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June 7, 2007

Ms. Deborah Smith
Interim Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. Fourth Street, Suite 200
Los Angeles, California 90013

LOS ANGELES REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

2007 JUN -8 PM 5:04

Ms. Deborah Smith

Attention: Mr. Xavier Swamikannu, Chief Storm Water Permitting Unit

Dear Ms. Smith:

Subject: Comments on the Proposed "Waste Discharge Requirements for Municipal Storm Water Discharges Within the Ventura County Watershed Protection District, County of Ventura and Incorporated Cities Therein"

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to comment on the proposed "Waste Discharge Requirements for Municipal Storm Water Discharges Within the Ventura County Watershed Protection District, County of Ventura, and Incorporated Cities Therein" (Permit). LADWP respectfully submits the following comments for your consideration.

The Permit prohibits non-storm water discharges to the storm drain system except for 14 classes of "exempt non-storm water discharges". The list of exempt discharges includes sidewalk rinsing, air-conditioning condensate, and potable drinking water supply and distribution system releases (provided that it is dechlorinated prior to release). Of the 14 classes of exempt discharges, potable water is the only one with an annual volume limitation. The limit is found in footnote 2 on page 26 and in footnote 1 on page 81. Footnote 2 on page 26 states in part, "Any agency or municipal (i.e., water dept., fire dept., etc.) that either individually or collectively discharge(s) or reasonably expects to discharge 100,000 gallons or more of potable water per year, shall submit an [Report of Waste Discharge] ROWD to obtain a separate [National Pollutant Discharge Elimination System] NPDES permit under this Order [see section G.10]."

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The Annual Limit of 100,000 Gallons Raises Water Purveyor Concerns

The flushing of drinking water distribution lines is a routine and necessary activity to protect public health and safety. In fact, routine potable water line flushing is encouraged by the State Department of Health Services (DHS) and the American Water Works Association (AWWA), and at times is required by DHS. Potable water main flushing represents the lowest possible threat to receiving water quality. Such discharges are dechlorinated and discharges according to Best Management Practices developed by the AWWA.

LADWP and a consortium of regional water purveyors share the concern that the Regional Board has eliminated a feasible option for water purveyors to discharge dechlorinated potable water during routine system maintenance by limiting the volume of the exempt discharge to 100,000 gallons per year under this Permit. Drinking water suppliers routinely discharge greater than 100,000 gallons of potable water per year during routine maintenance, therefore, most water supply agencies would not be allowed to operate under this permit. Per the Permit language, any agency that plans on discharging greater than 100,000 gallons per year is instructed to obtain a separate NPDES permit (NPDES permit No. CAG674001) for Low Threat Hydrostatic Discharges, a permit which is inappropriate for regulating water system maintenance discharges and is specific to the discharge of hydrostatic test water.

On the other hand, if the volume limit is intended to prevent overwhelming storm channel diversion structures, a threshold could be instituted that would trigger notification of the local agency that operates such structures. For example, water agencies that plan on discharging greater than a certain amount in any given day could be required to notify the local storm drain operations agency to give fair warning of planned discharges.

LADWP respectfully requests eliminating the 100,000-gallon threshold from the Ventura County MS4 Permit.

Potable Water Discharges Should Be Regulated Under the MS4 Permit

LADWP and other water agencies suggest regulating potable water system releases under the MS4 Permit. If the draft Permit is adopted as written, every water purveyor will be required to apply for the "Low Threat Hydrostatic Test Water Discharge General Permit". If typically enforced, that permit would create unreasonable barriers and delays to conducting system repairs and maintenance by requiring water quality sampling and analysis of water that has already been declared an exempt non-storm water discharge by the Regional Board. Water quality sampling and analysis typically take two to three weeks to complete. This delay in maintenance and repair operations would be unacceptable to our customers and will cause public health and safety problems. That Permit would require an unreasonable effort to further demonstrate that the potable drinking water is "clean" prior to discharge without any additional water quality benefits to be gained. However, if the Regional Board believes that the MS4 Permit is not the

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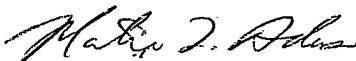
appropriate regulating authority for these types of discharges, LADWP suggests that a Regional or Statewide General Permit is made available for only potable water discharges.

In summary:

- ✓ The MS4 Permit is currently the only available permit for regulating these types of discharges. However, if the Regional Board believes that the MS4 Permit is not the appropriate regulating authority for these types of discharges, LADWP suggests that a Regional or Statewide General Permit is made available.
- ✓ There is no evidence provided to support that the 100,000-gallon limit benefits the environment. In fact, the 100,000-gallon threshold does not reduce the amount of potable water discharged; it merely requires those discharges to be regulated by a different Permit, one with no annual discharge limit.
- ✓ LADWP has used the Hydrostatic Test General Permit for discharges of hydrostatic test water related to the installation of new drinking water lines and, therefore, is very familiar with its requirements. That Permit was written to address a very specific activity, hydrostatic testing of vessels and pipelines. For the reasons stated earlier, it simply does not provide the best fit for regulating drinking water supply releases.
- ✓ LADWP has not received any notice from the Bureau of Sanitation that potable water system discharges are causing a breach of the City's diversion structures. However, if this is a legitimate concern, a threshold could be instituted within the MS4 Permit that would require advanced notification of the local agency that operates such structures.

Again, we thank the Board for the opportunity to comment on this Permit. Should you have any questions or require additional information, please contact Ms. Katherine Rubin or Mr. Bryan Schweickert of LADWP's Wastewater Quality Compliance Group at (213) 367-0436 or (213) 367-4944, respectively.

Sincerely,



James B. McDaniel

Chief Operating Officer – Water System

BS: bdc

c: Mr. Xavier Swamikannu, Regional Water Quality Control Board

Mr. Carlos Urranagua, Regional Water Quality Control Board ✓

Ms. Katherine Rubin, LADWP

Mr. Bryan Schweickert, LADWP