



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105-3901

copy to wj?  
 cc (X) S  
 PK  
 pls. see cc

DEC 19 2000

In Reply  
 Refer to: V

Dennis A. Dickerson  
 Executive Officer  
 California Regional Water Quality Control Board,  
 Los Angeles Region  
 320 West 4<sup>th</sup> Street, Suite 200  
 Los Angeles, CA 90013

received 12/19/00 12:28

Dear Mr. Dickerson:

The letter is in follow up to our meeting on October 5, 2000 concerning the NRDC Petition to Withdraw the NPDES storm water permit program administered by the Los Angeles Regional Board. One of the NRDC's principal concerns with the Regional Board's program is the alleged absence of an effective program for controlling pollutants in storm water discharges from industrial facilities. NRDC also recognizes, however, that the root of the problem is the lack of adequate staffing at the Regional Board to implement the program. At the October 5 meeting, we suggested that the upcoming MS4 permit reissuance for Los Angeles County require that the MS4 permittees provide more assistance to the Regional Board in this regard. We also indicated that we would provide this letter of support to the Regional Board for such requirements.

EPA's storm water permit application regulations of November 16, 1990 (55 Fed. Reg. 47990) set forth the permit application requirements for industries and municipalities and also provide guidance concerning the implementation of the program over the longer term. The storm water regulations envision a cooperative effort on the part of the NPDES permitting authority and permitted MS4s in the implementation of the industrial storm water program (55 Fed. Reg. 47997). The regulations at 40 CFR 122.26(d)(2)(iv)(C) also specifically require that MS4 permittees develop and implement controls on industrial sources which discharge into the storm sewer system, including:

"a description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system."

The current MS4 permit for Los Angeles County requires "educational visits" by MS4 personnel to assist industrial/commercial facilities in complying with local ordinances and prohibitions. We understand that the intent of this particular requirement was to provide time for

the permittees to gain experience in controlling pollutants in storm water discharges from these facilities. Now that the permittees have had five years to gain such experience, we recommend that the next permit explicitly require that the permittees require compliance with local ordinances and implement an effective enforcement program to ensure compliance. For industrial facilities, such a requirement would be fully consistent with EPA regulations at 40 CFR 122.26(d)(2)(iv)(C). We also believe that the Regional Board's extension of the program to commercial facilities is consistent with EPA regulations at 40 CFR 122.26(d)(2)(iv)(A); however, NRDC's concerns are primarily related to industrial facilities.

Since the intent and requirements of local MS4 ordinances are usually similar (but perhaps less detailed) to the requirements of the State's general NPDES permit for industries, the above recommendation should significantly assist the Regional Board in more effectively controlling pollutants in storm water discharges from industrial (and commercial) facilities. As noted above, NRDC's concerns with the Regional Board's program are fundamentally resource-related, and by utilizing the resources of the MS4 permittees more effectively, this should help to address NRDC's concerns.

It should also be noted that the above recommendation would be nothing new for California MS4 permits. For example, the MS4 permits issued in 1996 for Orange and Riverside Counties already include explicit requirements for enforcement of local ordinances for storm water pollution control. Detailed enforcement requirements for local ordinances have also been proposed by the San Diego Regional Board for the upcoming reissuance of the San Diego County MS4 permit.

Should you have any questions regarding this matter, please call me at (415) 744-1860, or refer your staff to Eugene Bromley of the CWA Standards and Permits Office at (415) 744-1906.

Sincerely,



Alexis Strauss  
Director, Water Division

cc: Xavier Swamikannu, Los Angeles RWQCB  
David Beckman, NRDC