

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



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June 25, 1996

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Tami Grove, District Director  
Bill Allayaud, Coastal Nonpoint Pollution Control Program

Subject: Adoption of Municipal Storm Water Permit for Los Angeles County

**Recommendation:** Staff recommends that the Commission urge the Los Angeles Regional Water Quality Control Board (RWQCB) to adopt the Los Angeles County Municipal Storm Water Permit. A letter is attached for the Chairman's signature signifying this endorsement.

**Background:** Pursuant to the federal Clean Water Act, the State of California, through the State Water Resources Control Board and the Regional Water Quality Control Boards, issues permits to municipalities with greater than 100,000 population for discharges of storm water. This system of Clean Water Act discharge permits is known as the National Pollution Discharge Elimination System, or NPDES. Los Angeles County and its 85 cities received its first Municipal Storm Water Permit in June 1990. As the permit must be re-issued every five years, the action now pending before the Los Angeles RWQCB is to renew the permit, which the RWQCB plans on reviewing and acting upon at its July 15, 1996 hearing.

Attached is a letter (dated 5/23/96) from the Assistant Executive Officer of the RWQCB that explains the process that the municipalities, RWQCB, environmental and industry groups, and the public went through to bring the permit to this point. The letter also describes the major issues that arose in the process and how they have been resolved. Commissioners are encouraged to review this letter in order to receive a quick summary of the issues.

Also attached is the "Fact Sheet" prepared by the staff of the RWQCB that is used to support the action taken on the permit. Information on the water pollution problems in the region, including watershed coverage and environmental impacts, is included in the Fact Sheet. Also attached is a background primer regarding the permit.

**Relationship to the Commission's Program** The issuance of an NPDES permit does not require a coastal permit as it is not considered to be "new development" under the Coastal Act. However, it is appropriate for the Commission to comment on the permit and if it chooses, to either support or object to its issuance. Implementation of the Los Angeles County permit would be supportive of several Coastal Act sections, most notably Section 30230, which calls for the restoration of marine resources and their protection, and Section 30231, which requires the quality of coastal waters be maintained and, where feasible, restored. Most of the activities covered by the permit involve existing development, where polluted runoff during storm events comes from parking lots, roofs, and roads. The permit also addresses new construction activities and requires the permittees to have ordinances and regulations which require management practices to minimize pollutants that can reach coastal waters.

This permit also helps to support the implementation of the Santa Monica Bay Restoration Project Action Plan, the goal of which is to improve the water quality of Santa Monica Bay. The Commission participated in the development of this Plan and formally endorsed it in October 1994 by concurring with the determination by the U.S. EPA that the Plan is consistent with California's Coastal Management Program. Having a strong Municipal Storm Water Permit is most certainly a key factor for successful implementation of the Santa Monica Bay Action Plan because many of the primary action items in the Plan are dependent upon the cities and county carrying out the various elements of the NPDES Permit.

Finally, this permit relates to the requirement that California implement Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA). Section 6217 required the Commission and the State Water Resources Control Board to jointly prepare a Coastal Nonpoint Pollution Control Program (CNPCP). After over three years of development, the Commission held two public hearings on the CNPCP, endorsed it at its October 1995 meeting, and authorized the Executive Director to submit the CNPCP to U.S. EPA and NOAA. The federal guidelines for implementing Section 6217 allow the State to exempt from the CNPCP urban areas that are covered by NPDES Storm Water Permits, the concept being that management measures to control urban runoff will be mandated by the Municipal permits. The Commission and State Water Resources Control Board staff accordingly determined that all of the major urban areas along the coast, including the Los Angeles area, would be exempt from the CNPCP as far as urban runoff was concerned. The RWQCB staff has determined that the Los Angeles County Storm Water Permit implements management measures for both existing and new development consistent with the Section 6217 guidelines.

**Conclusion** Staff recommends that the Commission send a letter to the RWQCB endorsing the re-issuance of the Los Angeles County Storm Water Permit because the permit helps to meet Coastal Act concerns, is critical to implementation of the Santa Monica Bay Restoration Plan, and assists in meeting the requirements of Section 6217 of CZARA. Commission staff has reviewed this permit, as well as an earlier draft, and finds that it is a significant improvement over the 1990 permit, particularly because it directly addresses the need to have consistent management measures for planning and building new construction. The Commission will be acknowledging the difficult negotiations and compromises that have gone into the re-issuance process, and the anticipated improvements to coastal water quality, by expressing its support for adopting the permit as currently proposed.

**Attachments:** Letter for Chairman's Signature  
Letter from RWQCB Assistant Ex. Officer  
Fact Sheet from RWQCB  
Permit "Lite" for the Non-Technical Reader

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



July 11, 1996

Michael I. Keston, Chairman  
Los Angeles RWQCB  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

RE: Reissuance of Los Angeles County Municipal Storm Water Permit

Dear Chairman Keston:

The California Coastal Commission urges the Los Angeles Regional Water Quality Control Board (RWQCB) to adopt the order to reissue the Los Angeles County Municipal Storm Water Permit. The Commission believes that taking this action will advance Coastal Act policies and implementation of the Santa Monica Bay Restoration Plan, as well as the goals of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA).

The California Coastal Act contains policies that will be furthered by adopting a comprehensive Storm Water Permit for the Los Angeles region. These provisions call for the protection and restoration of coastal waters, including streams, wetlands, and marine waters. The proposed permit will help accomplish this by focusing attention on the reduction of pollutants from both existing and new development.

Adoption of the permit is critical to the successful implementation of the Santa Monica Bay Restoration Project Action Plan which relies upon the county and its cities having an effective urban runoff control program. The Commission is of the opinion that the proposed permit is an important step toward ensuring comprehensive programs throughout the region.

Lastly, this permit is designed in a manner that is supportive of the State of California's efforts to meet the goals and objective of CZARA. This proposed permit will help advance a consistent approach to implementing management measures to control runoff from both new and existing development. We applaud the RWQCB's attention to these matters.

In conclusion, the Commission has found that the proposed permit is a significant improvement over the 1990 permit and supports its adoption. The Commission acknowledges the difficult negotiations and compromises that have been a part of the reissuance process and looks forward to improvements to coastal water quality that can be anticipated from effective implementation of the new permit. We also reaffirm our interest in supporting the work of the RWQCB through our coastal program.

Sincerely,

Louis Calcagno, Chairman

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

101 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-2156  
(213) 266-7500  
FAX: (213) 266-7600

**RECEIVED****JUN 03 1996**

May 23, 1996

Dear Interested Party:

**CALIFORNIA  
COASTAL COMMISSION**

I am pleased to send to you the enclosed documents: 1) a detailed response-to-comments on the December 18 version of the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff in Los Angeles County", and, based on these comments, 2) a revised tentative permit for your review and comment. Also attached is a memo from our attorney responding to several legal issues that were raised in comments.

The Regional Water Quality Control Board (Regional Board) requests your comments on the tentative permit by **June 26, 1996**. A workshop to answer questions on the permit and to discuss the monitoring program and other issues in more detail will be held on Tuesday, June 18, 1996. (The date of this workshop was changed from late May at the request of a number of cities). More information on the workshop will be provided in a future mailing. We anticipate bringing the final tentative permit to the Regional Board for adoption on July 15, 1996.

**Background**

The federal Clean Water Act requires cities to obtain NPDES permits for discharges of storm water to the municipal separate storm sewer system (MS4) and requires controls to reduce the discharge of pollutants to the maximum extent practicable. The Los Angeles Regional Water Quality Control Board issued the first "storm water" permit in June of 1990 to the municipalities within Los Angeles County. The permit attached is for the renewal of the 1990 permit.

To initiate the development of a revised permit, an advisory committee of key stakeholders was convened to work with Board staff to develop permit language. Since direct discussions with 86 jurisdictions was not practical, the Regional Board asked the County of Los Angeles (the principal permittee) to assemble a representative group of city delegates. Besides the County, three small city representatives, and the City of Los Angeles were chosen from the membership of the Storm Water Executive Advisory Committee (EAC). The environmental organization, Heal the Bay, was asked to represent the environmental perspective. This involvement was an important step to develop broad stakeholder understanding of permit issues and to reduce the likelihood of third party citizen lawsuits or appeals. And, because they must approve the final permit, a USEPA representative was also invited to participate, but was not able to attend on a regular basis due to travel restrictions. This advisory committee, often called the "negotiating group", was convened approximately a year ago and met two to three times a month through the fall to identify areas of agreement and narrow areas of disagreement.

In addition to committee meetings, Regional Board staff held two "all-cities" meetings, six

meetings with watershed committees, two meetings with stakeholder attorneys, and numerous meetings with individual city representatives, involving many more players than is typically the case with an NPDES permit renewal. Working with the advisory committee's input, staff floated a first partial draft permit in September 1995. A first full draft was distributed for comments in December, 1995.

Besides the cities and the County, other key players have been actively involved in the permit review process: California Restaurant Association, Western States Petroleum Association, the Building Industry Association, and a law firm which represents about a quarter of the municipalities in Los Angeles County. These groups worked very productively with the Regional Board staff and other stakeholders to develop language for issues raised on the December draft.

### Issues.

The key issues raised during the public review of the December draft are summarized below along with a discussion of their resolution in the enclosed tentative permit.

1) **Industrial facility inspections** - The December 1995 draft called for the cities to conduct storm water inspections of industrial and commercial sites in their jurisdictions. Many cities objected strenuously, citing the high cost of hiring additional inspectors and possible partial duplication with state responsibilities. The revised permit deals with these concerns by removing the enforcement aspect of the "site visit" and, rather, emphasizing education and compliance assistance. Revisions also clarify that the intent is to "piggy-back" these site visits conducted by city personnel (e.g., fire departments already visit every business inspecting for compliance with hazardous waste requirements, and health departments visit all restaurants yearly, etc.). Additionally, the revisions clarify that the cities only determine whether a state permit has been filed but play no role in enforcing the state permit.

2) **Construction site inspections** - The December 1995 draft on construction issues defined various levels of priority projects with criteria that were not acceptable to all cities and builders. Issues related to cities not wanting to duplicate state responsibility under the statewide construction permit program were raised by cities, while builders wanted to minimize duplicate inspections by municipalities and the state. Because the cities already have in place grading and erosion control ordinances representing about 90% of the construction site storm water program, our goal was to implement both programs through the cities inspection programs. This is the approach taken in the enclosed draft. Accompanying this language change is a recommendation to the State Board that fees for the statewide storm water construction program be set at the same level statewide and that half of the fee be forwarded to municipalities for the field portion of the program.

3) **Receiving water limits** - Every NPDES permit contains receiving water limits, either narrative, numerical, and in most cases both. None of the municipal storm water permits in the state contain numerical limits; they do contain narrative limits. Cities are concerned that with these limits in the permit, they could be found in violation of the permit immediately upon

adoption. For example, a styrofoam cup floating down the L.A. River after a storm, could be construed as violating the narrative limit which states: "No floatable materials shall be observed". The revised permit contains language that measures compliance in terms of reasonable further progress implementing the permit requirements. In other words, if a city is implementing the permit in a timely fashion, it would be considered in compliance with the permit, even if floatable materials appeared in the L.A. River after a storm.

**4) Business and public participation on permittee advisory committee** - The December draft calls for an Executive Advisory Committee (EAC), made up of a cross section of permittees, to work with the lead permittee (Los Angeles County) in devising BMPs, model programs, etc. It designates a Regional Board, industry, and environmental representative as non-voting members of the committee. Many cities indicated that they do not want the permit to designate an executive advisory committee. Or if such a committee is designated in the permit, many cities voiced opposition to designating non-city members. The solution proposed in the latest draft is to address the existence of the EAC in the Permit Findings, reinforcing its usefulness as a coordinating mechanism, but, in the text of the permit, indicate that the principal permittee must consult with permittees rather than specifying that they must consult with the EAC. Public and business sector involvement in developing programs before they are finalized and submitted to the Regional Board is strongly encouraged. The County, as principal permittee, must distribute programs developed by the county to a full mailing list of interested parties at the same time they are sent to the Regional Board. The Regional Board will not approve the programs until a forty-five day review period is completed. This approach provides greater flexibility for the principal permittee to consult either with the EAC or with any other combination of permittees brought together on specific aspects of the permit. It also provides for public review and input.

**5) Schedule for implementation** - The December draft contained the first comprehensive schedule of implementation dates. Cities raised issues regarding the feasibility of implementing programs on the schedule presented. For instance, the December draft called for permittees to provide information on resources allocated to storm water management within 30 days of budget adoption. Based on comments from the County and others, that schedule has been modified so that cities have 60 days from budget adoption to provide appropriate information to the principal permittee. Timelines have been revised in the draft tentative.

### Alternative Permit

On April 25, 1996, the Regional Board received an "alternative countywide storm water management program" proposal from the EAC. Although developed through different channels, a review of the program matrix attached to the proposal demonstrates a strong correlation to the enclosed tentative permit. The introduction makes reference to adopting a shorter permit as in other parts of California. It is important to note that other areas with very brief permits have already developed voluminous countywide and/or watershed specific management plans in their applications. In those cases, the permits simply direct their implementation. Since development of these specific programs did not previously occur in Los Angeles County, the permit contains a greater amount of detail. None-the-less, the substance is essentially the same.

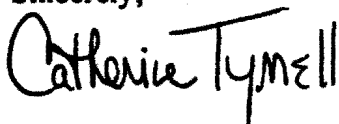
## Costs

With the changes to the permit described above, along with reduced costs to permittees other than the principal permittee for monitoring and reporting, and with the possibility of a share in fees for construction inspections, the costs to cities have been reduced significantly. A more detailed analysis of costs is planned for completion by the June workshop. To accomplish that task, we are gathering data from municipalities relative to the cost of implementation. Discussions between Santa Monica Bay Restoration Project (SMBRP) staff and municipalities in that watershed have demonstrated that few cities have a breakdown of costs by permit task, except for the city of Los Angeles. However, the San Gabriel Valley Council of Governments has completed a permit cost survey which could form the basis of comparison - particularly for small cities. We have requested a copy of the permit cost survey but have not yet received it. Receiving it soon will be critical to accomplishing a useful analysis. We are also asking USEPA to provide us with an assessment of any significant differences bearing on costs in the revised permit requirements compared to those of Orange County and Santa Clara County.

In closing, I want to encourage your early communication with Board staff to clarify any issues you may have. To guide understanding of the permit, the SMBRP Watershed Council established a group of elected officials and communications experts to develop additional user-friendly materials on the permit. The SMBRP will soon be sending to each city council, under separate cover, a video introduction to the permit and a brief permit summary.

I trust you will find the draft tentative permit responsive to your comments, and look forward to your help in finalizing the permit which will serve as the blueprint for storm water and urban runoff protection in Los Angeles County. Should you have any questions, please call me at (213) 266-7515. The senior engineer on this permit is Winnie Jesena. She may be reached at (213) 266-7594. The staff person most knowledgeable about the details of the permit is Carlos Urrunaga and he may be reached at (213) 266-7598. Written comments on the permit should be directed to his attention.

Sincerely,



CATHERINE TYRRELL  
Assistant Executive Officer

### Enclosures:

- 1) Response to Comments
- 2) Revised Draft Tentative Permit
- 3) Legal Memo

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
- LOS ANGELES REGION**

**FACTSHEET  
FOR  
ORDER NO. 96-XXX  
(NPDES NO. CAS614001)**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES  
WITHIN THE COUNTY OF LOS ANGELES**

**Public Notice No. 96-XXX**

- PERMITTEES:** County of Los Angeles and 85 Cities in the County (See Attachment A, List of Permittees).
- DISCHARGE AREA:** Cities and incorporated areas in the County of Los Angeles under the jurisdiction of the California Regional Water Quality Control Board, Los Angeles Region (See Attachment B, Map of the Permitted Area in Los Angeles County).
- DISCHARGES:** Storm Water and Urban Runoff
- RECEIVING WATERS:** Santa Monica Bay, Los Angeles Harbor, Long Beach Harbor, San Gabriel River, Los Angeles River, San Pedro Bay, Santa Clara River, and their tributaries; and other water bodies in Los Angeles County.

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**I. PUBLIC INVOLVEMENT OPPORTUNITIES**

**A. Public Comment Period**

Regional Board staff requests written comments on the tentative waste discharge requirements (permit) by June 26, 1996. This will give staff time to review and consider the comments, respond to them, and/or resolve major issues prior to the Regional Board consideration of the tentative permit.

Written comments should be addressed to:

California Regional Water Quality Control Board, Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754

Attn: Carlos Urrunaga

**B. Public Workshop**

Regional Board staff has scheduled a public workshop as follows:

Date: June 18, 1996  
Time: 9:30 a.m.  
Location: Los Angeles City Hall  
Board of Public Works Hearing Room  
200 North Spring Street  
Los Angeles, California

At the workshop, Regional Board staff will explain the need for and requirements of the permit. The public will have the opportunity to ask questions of and converse with Regional Board staff members concerning the proposed permit. This is an informal process.

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**C. Public Hearing**

The tentative permit is scheduled for the Regional Board's consideration, during a public hearing on the following date, time, and place.

Date: July 15, 1996

Time: 9:00 a.m.

Location: County of Los Angeles  
Board of Supervisors Hearing Room  
Corner of South Grand Avenue and West Temple Street  
Los Angeles, California

Interested persons are invited to attend.

At the public hearing, Regional Board staff will once again explain the need for and requirements of the permit. Then an opportunity for formal public comment will commence. Regional Board staff will not be able to respond to comments or questions during the public hearing unless directed by the Board. The Board will hear any testimony pertinent to the waste discharges and the tentative waste discharge requirements. Oral statements will be heard; however, for accuracy of the record, all important testimony should be in writing.

**D. Information and Copying**

Persons wishing further information may write to the above address or call Carlos Urrunaga at (213) 266-7598. Copies of the application, proposed waste discharge requirements, and other documents are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 10:00 a.m. and 4:00 p.m., Monday through Thursday (excluding holidays).

**E. Register of Interested Persons**

Any person interested in being placed in the mailing list for information regarding this permit should write to the Regional Board, Attention: Carlos Urrunaga.

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## II. BACKGROUND

### A. The Storm Water Problem

Storm water runoff is acknowledged as a source of pollution that can damage important water resources, including streams, lakes, estuaries and wetlands, and ground water. Many recent studies have shown that runoff from urban areas typically contains significant quantities of the same general types of pollutants that are found in wastewater and industrial discharges and often causes similar water quality problems. These pollutants include heavy metals (e.g., chromium, cadmium, copper, lead, mercury, nickel, zinc), pesticides, herbicides, nutrients, bacteria, and synthetic organic compounds such as fuels, waste oils, solvents, lubricants, and grease.

In addition, the large impervious surfaces in urban areas increase the quantity and peak flows of runoff, which in turn cause hydrologic impacts such as scoured streambed channels, instream sedimentation, and loss of habitat. Furthermore, because of the enormous volume of runoff discharges, mass loads of pollutants in stormwater can be significant.

There are multiple of pollution sources that contaminate stormwater, including land use activities, operation and maintenance activities, illicit discharges and spills, atmospheric deposition, and vehicular traffic conditions. Many of these sources are not under the direct control of the permittees that own or operate the storm sewers. Impacts from storm water are highly site-specific and vary due to differences in local land use conditions geography, hydrologic conditions, and the type of receiving water.

[Source: *Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems*, United States Environmental Protection Agency (USEPA) # 833-B-92-002, 1992].

### B. Clean Water Act Amendments of 1987 and Subsequent Rulemaking by USEPA

Amendments to the Clean Water Act (CWA) in 1987 established new statutory requirements to control industrial and municipal stormwater discharges to waters of the United States [CWA Section 402 (p)]. The amendments require NPDES permits for storm water discharges from Municipal Separate Storm Sewer Systems (MS4s) to waters of the United States. Section 402(p)(3)(B) requires that permit for MS4s:....."(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-storm water discharges into the

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storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

On November 16, 1990, pursuant to Section 402(p) of the CWA, the USEPA promulgated 40 Code of Regulations (CFR) Part 122.26 which established requirements for storm water discharges under the NPDES program. The regulations recognize that certain categories of non-storm water discharges may not be prohibited if they have been determined to be not significant sources of pollutants.

**C. State Storm Water Permits**

To facilitate compliance with federal regulations, in 1992 the State Water Resources Control Board (State Board) issued two statewide general NPDES permits: one for storm water from industrial sites [NPDES No. CAS000001, General Industrial Activities Storm Water Permit (GIASP)] and the other for storm water from construction sites [NPDES No. CAS000002, General Construction Activity Storm Water Permit (GCASP)]. "Industrial Activities", as defined in 40 CFR § 122.26(b)(14)(i) through (xi), and construction activities with a disturbed area of five acres or more are required to obtain individual NPDES permits for storm water discharges, or be covered by these statewide general permits by completing and filing a Notice of Intent with the State Board.

The State Board adopted a dual annual fee structure for industrial facilities and construction sites covered by these two general permits. Industrial facilities and construction sites located in jurisdictions with a Municipal Separate Storm Sewer System (MS4) permit are subject to a lower annual fee (\$250) than those located in jurisdictions without a MS4 permit (\$500). The intent of the dual fee structure was to allow Permittees to recover the annual fee differential or portion thereof if necessary to support the MS4 program and also provide some oversight over these facilities.

**D. Permitting Authority**

The proposed permit will be issued by the California Regional Water Quality Control Board, Los Angeles Region.

The Federal Clean Water Act allows the USEPA to delegate its NPDES permitting authority to the states with an approved environmental regulatory program. The

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State of California is one of the delegated states. The Porter-Cologne Act (California Water Code) authorizes the State Board, through its Regional Boards, to regulate and control the discharge of pollutants into waters of the State and tributaries thereto.

As a delegated State, pursuant to Section 510 of the CWA and 40 CFR Part 123.25, the State may impose more stringent requirements necessary to implement water quality control plans for the protection of beneficial uses of receiving water, and/or to prevent nuisance.

**III. THE COUNTYWIDE MUNICIPAL STORM WATER/URBAN RUNOFF PERMIT FOR THE COUNTY OF LOS ANGELES**

**A. Order No. 90-079 (NPDES Permit No. CA0061654)**

To comply with the CWA mandate, the Los Angeles Regional Board issued the first storm water permit (Order No. 90-079) on June 18, 1990, to the municipalities (Permittees) in Los Angeles County. Because of the complexity and networking of the storm drain system and drainage facilities within and tributary to the County of Los Angeles, the Regional Board adopted a countywide approach in permitting storm water and urban runoff discharges. The County of Los Angeles has been designated as Principal Permittee under that permit. As Principal Permittee, the County is responsible for the general administration of the permit and facilitate cooperation among Permittees.

**B. Report of Waste Discharge (ROWD) and the Renewal Process**

On December 21, 1994, the County of Los Angeles in coordination with 85 cities submitted a Report of Waste Discharge as an application for renewal of the 1990 permit.

In drafting the proposed permit, Regional Board staff worked with a committee of stakeholders (known as the "negotiating group") comprised of representatives of Permittees and environmental groups. The negotiating group was convened in early 1995 and met two to three times a month through the fall of 1995 to identify areas of agreements, narrow areas of disagreements, and develop language for the renewal permit. In September 1995, a partial draft of the permit was distributed for comments to the Permittees, environmental groups, and other interested business organizations. A number of issues were raised in the comments, which Regional Board staff considered. A complete draft of the permit was distributed for comments in December 1995. Regional Board staff received a large number of comments from the Permittees, environmental groups, business

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communities, state officials, and the public. After review and consideration of the comments, Regional Board staff met with Permittees' Watershed committees, Permittees' attorneys, City elected officials (collectively and individually), environmental groups, and representatives of business organizations to discuss the requirements, respond to the comments, and resolve issues of disagreement. Enclosed is the written response to those comments.

The proposed permit (tentative Order) is the result of all those discussions and consideration of federal and state regulations.

**C. Permitted Area and Receiving Water Bodies**

The permitted area includes all areas within the boundaries of the cities as well as unincorporated areas in the County of Los Angeles within the jurisdiction of the Los Angeles Regional Board except the City of Avalon. The Permittees serve a population of about 11.4 million (1990 Census of Population and Housing, Bureau of the Census, U.S. Department of Commerce) in an area of approximately 3,100 square miles. Attachment B is a map of the Permitted Area in the County of Los Angeles.

**D. Coordination with Other Jurisdictions**

**1. Discharges Within Permittees' Boundaries**

There are areas within the geographical boundaries of the Permittees over which the Permittees are preempted to regulate. Such areas include federal lands and state properties, including, but not limited to, military bases, state parks, government hospitals, colleges and universities, and highways. The Permittees are not responsible for such facilities and/or discharges originating from these areas. The Regional Board may either designate these facilities as Permittees under this permit or issue separate NPDES permits to these facilities.

The California Department of Transportation (Caltrans) discharges storm water and non-storm water from highways, freeways, streets, interceptors, maintenance yards, and other holdings it owns and/or operates. Caltrans, currently a Co-Permittee to Order No. 90-079, submitted an ROWD on July 13, 1995, for separate waste discharge requirements for its discharges in the County of Los Angeles and the County of Ventura. The waste discharge requirements to be issued to Caltrans will be consistent with this Order.

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**2. Discharges Outside Permittees' Boundaries**

There are areas outside the geographical boundaries of the Permittees that drains into receiving water bodies in the permitted area. These areas include the following:

- a. About 34 square miles of unincorporated areas in Ventura County drain into Malibu Creek, thence to Santa Monica Bay. The County of Ventura is a Permittee to Order No. 90-079. With the issuance of a permit for discharges of storm water from the MS4 in the County of Ventura (Order No. 94-082, NPDES No. CAS063339), the County of Ventura has requested (letter dated April 6, 1996) that this area be covered under the Ventura Permit. The request stated that the County of Ventura when implementing its storm water programs will, to the maximum extent practicable, achieve consistency with the permit for Los Angeles County for the area in question.
- b. About nine square miles of the City of Thousand Oaks also drain into Malibu Creek, thence to Santa Monica Bay. The City Thousand Oaks initially opted to apply for an individual permit for the area that drains into Malibu Creek, instead of becoming a Permittee to Order No. 90-079. With the issuance of waste discharge requirements for discharges of storm water and urban runoff for the County of Ventura, the City of Thousand Oaks elected to be a Permittee to the Ventura permit including the areas which drains into Malibu Creek. The City of Thousand Oaks will ensure that its storm water management program for the portion that drains into Los Angeles County is consistent with requirements of the permit for Los Angeles County.
- c. About 86 square miles of areas in Orange County drain into Coyote Creek, thence into the San Gabriel River. This Regional Board will coordinate with the Santa Ana Regional Board so that storm water management programs for the areas in Orange County that drains into Coyote Creek are consistent with the requirements of the permit.

**3. Permittees Discharging into Santa Clara River**

The City of Santa Clarita and some unincorporated areas of Los Angeles County drain into the Santa Clara River Watershed. The lower portion of

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the watershed is located in Ventura County and is regulated under the Ventura County permit. Successful management of the entire watershed needs coordination among the City of Santa Clarita, the County of Los Angeles, and Ventura County in developing and implementing the storm water management plan for the watershed.

**IV. BENEFICIAL USES AND CONDITION OF RECEIVING WATERS**

The major receiving water bodies in the permitted area are:

- Santa Monica Bay
- Malibu Creek
- Ballona Creek
- Los Angeles River/Long Beach Harbor
- San Gabriel River/Long Beach Harbor
- Dominguez Channel/Los Angeles Harbor
- San Pedro Bay
- Santa Clara River

**A. Basin Plan**

The Regional Board adopted an updated Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Basin Plan specifies the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.

The beneficial uses of water bodies in the County of Los Angeles include: municipal and domestic supply, agricultural supply, industrial service supply, industrial process supply, ground water recharge, freshwater replenishment, navigation, hydropower generation, water contact recreation, non-contact water recreation, ocean commercial and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of Areas of Special Biological Significance, saline water habitat, wildlife habitat, preservation of rare and endangered species, marine habitat, fish migration, fish spawning, and shellfish harvesting.

**B. Condition of the Receiving Waters**

Periodic Water Quality Assessments (latest report dated April 18, 1996) conducted by the Regional Board identified impairment of a number of water bodies in Los Angeles County. The beneficial uses of these water bodies are either impaired or threatened to be impaired. Pollutants found causing impairment include: heavy metals, coliform, enteric viruses, pesticides, nutrients, polycyclic aromatic

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hydrocarbons, polychlorinated biphenyls, organic solvents, sediments, trash, debris, algae, scum, and odor.

An epidemiological study [*An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay*, Santa Monica Bay Restoration Project (SMBRP), May 1996] conducted during the summer of 1995 for the SMBRP demonstrated that there is an increased risk of acute illnesses caused by swimming near flowing storm drain outlets in Santa Monica Bay.

Previous investigations conducted for the SMBRP (*An Assessment of Inputs of Fecal Indicator Organisms and Human Enteric Viruses from Two Santa Monica Storm Drains*, SMBRP, 1990; *Storm Drains as a Source of Surf Zones Bacterial Indicators and Human Enteric Viruses to Santa Monica Bay*, SMBRP, 1991; *Pathogens and Indicators in Storm Drains within the Santa Monica Bay Watershed*, SMBRP, 1992) showed pathogens were detected in summer runoff at four storm drain locations. Likely sources of pathogen contamination include illicit sewer connections to the storm drains, leaking sewer lines, malfunctioning septic systems, improper waste disposal by recreational vehicles, campers or transients. Additional potential sources of human pathogens in nearshore waters include sewage overflows into storm drains, small boats waste discharges, and bathers themselves.

Although the foregoing studies were done on the Santa Monica Bay, the results could be extrapolated to other water bodies in Los Angeles.

The Regional Board therefore considers storm water/urban runoff discharges to be significant sources of pollutants that may be causing, threatening to cause, or contributing to the impairment of the water quality and beneficial uses of the receiving water bodies in Los Angeles County, and as such need to be regulated.

## VI. PERMIT REQUIREMENTS

### A. Authorized Discharges and Discharge Prohibitions

This permit authorizes discharges from municipal separate storm sewers by the Permittees to the water of the State.

Since municipal separate storm sewers carry storm water and other flows, this permit authorizes the discharge of storm water commingled with other urban runoff specified in this permit. Industrial process wastewater and non-process wastewater are non-storm water discharges and cannot be authorized under this permit because of the requirement in Section 402(p)(3)(B)(ii) of the federal Clean

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Water Act that municipal permits are to prohibit non-storm water discharges to the MS4. However, such discharges to MS4 can be authorized if they receive an NPDES permit other than this stormwater permits. All other non-stormwater discharges are addressed in the Storm Water Management Program (SWMP) to detect and eliminate illicit discharges and improper disposal as required under Part 2.II. of this permit.

The discharge of storm water associated with industrial activity through MS4 is authorized by this permit, provided they obtained coverage under the State Board's general NPDES permit. For further explanation of the reasons for the separate permit requirements, see the preamble to the amendments to 40 CFR parts 122, 123, and 124 published in the Federal register, Friday, November 16, 1990.

**B. Receiving Water Limitations**

The fundamental objective of the CWA is to protect, maintain, or restore existing or potential beneficial uses of receiving waters as evaluated in 1972. Narrative and numerical criteria were developed to achieve this goal, are considered necessary by the USEPA to meet the statutory requirements of the CWA Section 303(c)(2)(A), and are to be applied to all NPDES permits including those for storm water discharges.

Also, California Water Code (CWC) Section 13263(a) requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted, shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, and the need to prevent nuisance.

The intent of this Order is to attain and protect the beneficial uses of receiving waters in the County of Los Angeles. This Order, therefore, includes narrative Receiving Water Limitations that require storm water discharges neither cause violations of water quality objectives, cause a condition of nuisance, nor cause water quality impairment in the receiving waters.

To meet the receiving water limitations, this Order requires the implementation of BMPs to reduce pollutants in storm water to the maximum extent practicable with a monitoring program to assess compliance.

The Regional Board finds that the unique aspects of the regulation of the storm water discharges through municipal storm sewer systems, including intermittent discharges, difficulties in monitoring and limited physical control over the

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discharge, will require adequate time to implement and evaluate the effectiveness of best management practices and to determine whether they will adequately protect the receiving water. Therefore, this Order includes a procedure for determining whether storm water discharges are causing continuing and recurring exceedances of receiving water limitations and for evaluating whether the storm water management program must be revised. The Permittees will be in compliance with the Receiving Water Limitations so long as they comply with that procedure.

**C. Storm Water Management Program Requirements**

As a functional equivalent of meeting the receiving water limitations, the permittees are required to implement a comprehensive pollution prevention and management programs. As required by CWA Section 402(p)(3)(B), the SWMP must include controls necessary to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). Controls required under the SWMP consist of a combination of best management practices, control techniques, system design and engineering methods. The various components of the SWMP, taken as a whole (rather than individually), are expected to be sufficient to meet this standard and attain the objectives of the Basin Plan. The Permittees may be required to update the SWMP periodically to ensure conformance with the statutory requirements of CWA Section 402(p)(3)(B).

Specifically, the Permittees are required to develop and implement programs in the following areas which were based on the requirements of 40 CFR Part 122.26:

1. Illicit connections and illicit discharges
2. Development planning and construction;
3. Public agency activities;
4. Public information and participation; and

The objectives of the foregoing program components required are discussed in the enclosed "Response to Comments".

The requirements of Section 6217(g) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) were also considered in this permit. CZARA requires coastal states with approved coastal zone management programs to address nonpoint pollution impacting or threatening coastal water quality. Pursuant to CZARA, USEPA issued *Guidance Specifying Management Measures For Sources of Nonpoint Pollution In Coastal Waters*, 1993 (EPA-840-B-92-002). The guidance focuses on five major categories of nonpoint sources that impair or

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threaten coastal waters nationally: (a) agricultural runoff; (b) silvicultural runoff; (c) urban runoff (including developing and developed areas); (d) marinas and recreational boating; and (e) hydromodification. This permit includes management measures for pollution from urban runoff and marinas, thus, it provides the functional equivalence for compliance with CZARA in these two areas.

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# PERMIT "LITE"

for the Non-Technical Reader

*A Summary  
of the Los Angeles County  
Municipal Storm Water NPDES Permit*

*May 1996*

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## About Urban and Storm Water Runoff ...

Urban and storm water runoff is a serious concern, in both dry and rainy seasons. It is contaminated with pesticides, fertilizers, animal droppings, trash, food wastes, automotive by-products and other toxic substances that are part of our urban environment. Waters that flow over streets, parking lots, construction sites and industrial facilities carry these pollutants through a 5,000-mile storm drain network directly to the lakes, streams and beaches of southern California.

Urban runoff is the largest source of unregulated pollution to the waterways and coastal areas of the United States. Locally, we see the impacts in increased health risks to swimmers near storm drains, high concentrations of toxic metals in harbor and ocean sediments, and toxicity to aquatic life.

These impacts translate into losses to the County's \$2 billion a year tourism economy, loss of recreational resources, dramatic cost increases for cleaning up contaminated sediments and impaired function and vitality of our natural resources.

## History

The Clean Water Act of 1987 established requirements for storm water discharges under the National Pollution Discharge Elimination System (NPDES) program. In response to those requirements, the State of California issued a five-year permit for municipal storm water discharges to Los Angeles County in June 1990.

The 1990 permit was very general in nature, resulting in storm water programs that varied widely from city to city. The 1996 permit, a re-issuance of the 1990 permit, therefore seeks to provide better direction by specifying actions needed to comply with permit requirements.

This permit is the result of 1-1/2 years of discussions between representatives of the Los Angeles Regional Water Quality Control Board (Regional Board), Los Angeles County, the City of Los Angeles, three smaller cities, and the environmental community. It also incorporates

extensive comments received from all interested parties on two earlier drafts.

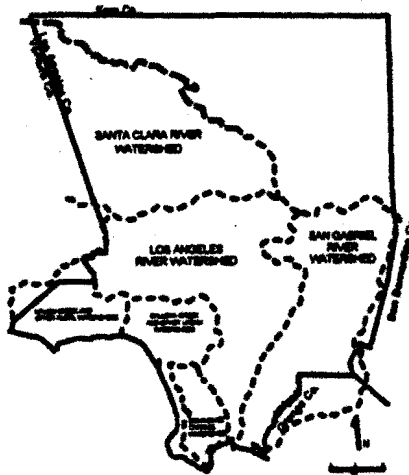
The permit (formally known as an "Order for Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles") will be considered by the Regional Board on July 15, 1996.

## Goals of the Municipal Storm Water Permit

- To attain and protect the beneficial uses of water bodies in Los Angeles County;
- To reduce pollutants in storm water to the maximum extent practicable; and
- To evaluate compliance with the objectives and requirements contained in the permit.

## Requirements of the Storm Water Management Program

In general, the permit requires implementation of both the Storm Water Management Program contained in the permit, and the elements of the Countywide Storm Water Management Plan (CSWMP) or Watershed Management Area Plans (WMAP) that will be developed pursuant to the permit.



## The Countywide Storm Water Management Plan and Watershed Management Area Plans

Much of the permit details the Storm Water Management Program elements and "what" should be included in the CSWMP. Developing the specified program elements will require that Permittees determine "how" actions will be implemented. Program elements, once developed, will then be compiled into the unified implementation plan known as the CSWMP.

The Watershed Management Area Plans are to be developed later in the permit cycle. They are based on the requirements of the permit and the CSWMP, but will also include actions that address water quality problems and concerns that are unique to the six watershed areas of Los Angeles County. Once developed and approved, the WMAP supersedes the CSWMP.

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The storm water management program is comprised of seven elements, the objectives of which are to:

1. Effectively manage and coordinate implementation of the storm water program;
2. Identify and eliminate illicit connections and illicit discharges to the storm drain system;
3. Reduce storm water impacts associated with development and redevelopment projects;
4. Reduce storm water quality impacts associated with public agency activities;
5. Increase public knowledge about the impacts of storm water pollution and about actions that can be taken to prevent pollution;
6. Increase knowledge and understanding about the quality, quantity, sources, and impacts of urban runoff; and
7. Evaluate the effectiveness of implementing storm water management programs.

Summarized below are the program elements to carry out these objectives.

**Framework for Program Management**

The permit designates responsibilities for managing and executing storm water pollution reduction activities between the Principal Permittee (Los Angeles County) and Permittees (the County and the 85 municipalities).

Within this framework, the Principal Permittee must carry out responsibilities as a Permittee, as well as responsibilities on behalf of all Permittees. (The Principal Permittee, however, is not responsible for ensuring compliance of any individual Permittee.)

*The Principal Permittee's responsibilities are to:*

- Coordinate activities among Permittees, including the development of the CSWMP;
- Act as liaison between Permittees and the Regional Board;
- Provide staff and financial resources for the development of storm water management plans, program components, annual reports and other required reports;
- Convene and provide support for committees organized to implement the permit;

- Develop the Five-Year Storm Water Public Education Strategy; and
- Implement the county-wide storm water monitoring program.

*All Permittees are required to:*

- Comply with the requirements of the storm water management program and the CSWMP;
- Coordinate implementation of permit requirements within its own jurisdiction;
- Participate in developing the CSWMP;
- Provide information to the County for annual reports to the Regional Board; and
- Participate in developing Watershed Management Area Plans.

Permittees must also prepare a summary of the resources that have been dedicated to implement the storm water program, and demonstrate, through an ordinance or guidance document, that they possess the legal authority necessary to control storm water discharges within their jurisdiction.

**Elimination of Illicit Connections and Discharges**

The Clean Water Act requires that permits for municipal storm water systems prohibit all discharges of "non-storm" water. Since there are many types of "non-storm" discharges that are regulated under separate permits or are not considered significant pollutant sources, the permit exempts certain discharges from the prohibition.

However, to eliminate all non-exempt discharges, Permittees must:

- Identify and eliminate illicit connections and illicit discharges to storm drains; and
- Facilitate the public's ability to report illicit connections and discharges.

**Development Planning and Construction**

This program is designed to ensure that storm water management considerations are integrated into planning, permitting and construction of development projects. As part of this program, the County, in consultation with Cities, will prepare:

- Countywide guidelines (including recommended Best Management Practices, Standard Urban Storm Water Mitigation Plans and checklists) for development and redevelopment projects that may significantly affect storm water quality;
  - Guidelines for use in preparing and reviewing CEQA documents; and
- . . . . .

- Guidance for developers about storm water management, reducing flows from development sites, and cost-effective pollution control measures.

Each Permittee must also develop a program to carry out planning control measures for priority categories of development projects, and require submittal of Urban Storm Water Mitigation Plans prior to issuing any grading or building permit. Permittees must also incorporate watershed and storm water management considerations into any significant re-write of General Plan elements.

The Principal Permittee will develop county-wide guidelines for construction projects that may generate significant pollutant loads, and Permittees must develop regulatory and site inspection programs.

#### **Public Agency Activities**

Permittees are required to develop a program to reduce the impact of public agency activities on storm water quality. These programs must include the following elements, where applicable:

- Procedures to prevent and respond to spills or leaks from sewage system operations;
- Proper management, design and practices to prevent storm water impacts from public construction projects;
- Pollution prevention plans and BMPs for public vehicle maintenance/material storage facilities that may discharge pollutants into storm water;
- Procedures to minimize storm water pollution associated with landscaping activities, pools and recreation areas;
- BMPs for catch basin and storm drain maintenance;
- Street sweeping and road maintenance programs;
- A program to reduce pollutants from municipal parking lots; and
- Procedures to implement BMPs at Permittee-owned or operated industrial facilities.

#### **Public Information and Involvement**

Education is crucial for effective storm water management. Information and public outreach programs that encourage target audiences to implement solutions that reduce storm water pollution are cornerstones of the permit.

Education and outreach programs should be targeted to specific audiences such as residents, industrial facility operators, commercial

businesses, school children, and public agency employees.

#### *Immediate Outreach*

Permittees must provide materials for the general public and targeted audiences that convey information about storm water pollution and what can be done to help solve the problem. Actions can be wide-ranging – phone numbers for the public to report illegal dumping, training materials for employees regarding storm water permit compliance, and educational materials for industry/business sector site visits are but a few examples.

#### *Site Visits to Businesses and Industries*

Permittees must develop an educational, compliance assistance program for industries and businesses that are potential sources of urban runoff pollutants. The most important component of this program is the educational site visit. Through these visits, Permittees can explain the storm water regulations, provide businesses with information about how to minimize polluted runoff, and if requested, can assist them in understanding and complying with storm water regulations.

To reduce costs associated with instituting a new program, Permittees are encouraged to coordinate this site visit program with existing programs, such as those conducted by fire and health departments or industrial waste inspectors.

#### *A Five-Year Countywide Storm Water Public Education Strategy*

As part of the CSWMP and subsequent WMAPs, the County must develop a five-year countywide storm water public education strategy. This strategy—which focuses on residents, school children, businesses and public employees—will include a full range of outreach tools and methods for educating and training these audiences about why storm water pollution must be managed and what steps can be taken to prevent it.

#### **Monitoring**

The County must also develop a storm water quality monitoring program that will:

- Track water quality status and trends,
- Identify watershed-specific pollutants of concern;
- Improve understanding of the relationship between land uses and pollutant loads,



- Identify sources of pollutants and evaluate significant storm water quality problems;
- Evaluate the effectiveness of storm water management programs, including pollutant reductions achieved by BMPs, and
- Increase knowledge about the impacts of runoff on receiving waters.

**Program Reporting and Evaluation**

Reporting and evaluation of results is crucial for effective storm water management. Each year, on April 15, Permittees will be required to submit a program implementation progress report to the Regional Board. This progress report must review the status of implementation, summarize accomplishments and implementation of BMPs, and recommend any changes to the storm water programs or plans.

The Principal Permittee must also submit an annual report on the results of the monitoring program. Four years after the adoption of the permit, the County must submit a report that assesses the effectiveness of BMPs that have been implemented, and make recommendations on performance standards for each Watershed Management Area. A final report on the results of the receiving water impacts assessment will also be completed.

**Conclusion**

This permit is a crucial step in maintaining the progress that has been made to improve the health and values of all water bodies in Los Angeles County. Significant achievements have been made to improve the quality of municipal sewage discharges, therefore urban runoff pollution is now the primary cause of degraded water quality in this region.

Reducing storm water and urban runoff pollution is the highest priority of the Santa Monica Bay Restoration Plan, a comprehensive watershed management plan that has been approved by Governor Wilson and U.S. EPA Administrator Carol Browner. Protecting Santa Monica Bay and the region's many lakes, streams and wetlands is vital to the economy and to the quality of life that we enjoy in Southern California.

**About the  
Santa Monica Bay Restoration Project . . .**

The Santa Monica Bay Restoration Project is a partnership of government, environmentalists, scientists, industry and the public established in 1988 as part of the Clean Water Act National Estuary Program. Its mission is to find solutions and implement actions that restore and protect Santa Monica Bay.

