

Draft Statewide General National Pollutant
Discharge Elimination System (NPDES) Permit for
Discharges from Utility Vaults and Underground
Structures to Surface Waters (Permit)

Response to Public Comments

July 2006

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BACKGROUND

In this Response to Public Comments, State Water Resources Control Board (State Water Board) staff addresses comments received regarding the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters (Permit). All comments will be considered by the State Water Board at a public hearing on July 19, 2006. This document has been posted on the State Water Board's NPDES web page and submitted to the State Water Board for consideration.

The public comment period for the draft Permit began on May 9, 2006 and ended on June 9, 2006. The draft Permit has been available for downloading on the State Water Board's Web site throughout the comment period. Hard copies of the document were also available upon request. The State Water Board received written comments, along with phone calls for clarification on the comment submittal process.

The following individuals provided comments on the draft Permit during the comment period:

Organization	Commentor	Received	Media
Department of Water and Power, Los Angeles	Susan M. Damron	June 9, 2006	Email and U.S. Mail
Pacific Gas and Electric Company	Sara W. Everitt	June 8, 2006	U.S. Mail
San Diego Gas and Electric Company/ Southern California Gas Company	Ronald A. Miller	June 9, 2006	Email
Southern California Edison	Hazem Gabr	June 9, 2006	Email
Verizon	Jacque' McCormick	June 9, 2006	Email

Comments are summarized in the attached response summary sorted by commenter, and followed by the State Water Board's response and rationale, including any appropriate changes to the draft Permit to address the comment. Comments addressed will be reprinted below. To view the comments in their entirety, click on "view the letter". They have also been made available on the State Water Board's Utility Vaults Web page at http://www.waterboards.ca.gov/npdes/uv_comments.html.

DEPARTMENT OF WATER AND POWER FOR THE CITY OF LOS ANGELES (LADWP)

[\[VIEW THE LETTER\]](#)

Comment 1: The draft Permit states that permit coverage will not be effective until all four of the noted actions have occurred. One of those actions includes submittal of a "complete application" that contains the Notice of Intent (NOI), Pollution Prevention Plan (PLAN), a map, and the Permit fee. LADWP is concerned about the timetables involved

and the ability to continue coverage under the existing permit until all the required actions have been accomplished. Since the draft Permit requires additional components be included in the PLAN, re-enrollees will need additional time to amend their PLAN.

Response: Taking into account both public comment and the date change of the State Water Board meeting, we will change the effective date to allow another month to complete the application process. This will give dischargers more than four months after Permit adoption to complete their PLANs and have them adopted. This is in addition to the 72 days notice prior to Permit adoption.

Change: Change effective date from November 1, 2006 to December 1, 2006.

Comment 2: The inventory section requires a description of significant materials that have been handled, treated, stored, or disposed of in a manner that allows exposure to storm water. LADWP believes that this provision is not applicable to utility substructures. While this type of Best Management Practice (BMP) is generally applicable to most storm water quality management activities, it does not translate to LADWP's electrical vaults, which contain only operational, in-service electrical equipment. Only electric cables, transformers, and other operational equipment that support the distribution of power are found in these underground spaces. As such, there is no handling, treating, storing, or disposing of materials at the site. LADWP recommends that this section be deleted.

Response: The State Water Board recognizes that some of the Pollution Prevention Practices (PPP) required in the PLAN may not be applicable to every discharger. Some dischargers may use insulating fluids, lubricants, other oils and greases, etc., that could contaminate the waste stream. For sections of the PLAN that do not apply to your organization, indicate "not applicable."

Change: For clarification, the following change will be made to VII.E.3.e: "The PLAN shall include, to the extent applicable, at least the following items."

Comment 3: This section [VII.(C)(3)(e)(iii)(d)] asks for a summary of existing discharge sample data describing pollutants collected during the term of this General Permit. The annual monitoring report already provides "a summary of existing discharge sampling data" to the Board and, therefore, the requirement is duplicative and unnecessary.

Response: Agree.

Change: Delete VII.C.3.e.iii.d

Comment 4: This paragraph requires that the PLAN identify qualified facility personnel who inspect designated equipment and facilities. LADWP believes that job titles or positions are more appropriate than personnel names since the frequency of staff rotation, promotions, turnover, etc., would make updating the PLAN more difficult.

Response: Agree.

Change: Change the sentence to read, “identify qualified facility personnel, **by name or by job title**, to inspect designated equipment and areas of the facility...”

Comment 5: The draft Permit appears to be suggesting that inspections of a substructure occur on a quarterly basis and/or during the dry weather. This is both impractical and unnecessary. The requirement to conduct inspections is also found in Section VII (3)(e)(v)(a) and appears to be in conflict [with Section VII.C.3.e.iv.d].

Response: This comment is unclear. For clarification, inspections must be made at the vault or structure and at the point of discharge, whether to a storm sewer or water body. See responses to comments 6 and 17 below.

Comment 6: As written, this paragraph implies that each individual vault shall be inspected at least once a year. Due to the vast number of utility vaults, this requirement is not practical or necessary. Discharges from utility substructures only occur when they need to be dewatered. At that time, the substructures can be inspected and the BMPs applied.

Response: Agree. However, the discharger must remain in compliance with any applicable Order issued by the California Public Utilities Commission (CPUC) and, if applicable, with operating procedures developed by the California Independent System Operator (CAISO). Also, upon **each** discharge, designated staff must perform a detailed inspection to ensure compliance with the Permit and to evaluate the efficacy of the PPPs.

Change: Change VII.3.e.v to read: “Qualified personnel shall conduct site compliance evaluations prior to each discharge ~~at appropriate intervals specified in the PLAN but in no case less than once a year.~~”

Comment 7: Based on the results of the compliance evaluation, this section requires the Discharger to revise, as appropriate, the description of potential pollutant sources in the PLAN within two weeks of the evaluation. This type of language appears to be more pertinent to facilities that do have a potential to treat, store, handle and dispose materials subject to Municipal Separate Storm Sewer Systems Permit (MS4) or General Industrial Storm Water Permit.

Response: See response to comment 2.

PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

[\[VIEW THE LETTER\]](#)

Comment 8: The PLAN should follow a standard structured format that would include contacts and best management practices, only information that would add to the value of the PLAN. A standardized PLAN that only includes essential information would simplify the review and approval process.

Response: See response to comment 2. For multiple reasons, the State Water Board cannot specify specific PPPs, but instead, lists in the draft Permit areas to be addressed by PPPs.

Comment 9: The PLAN should be approved at the State level rather than the Regional Water Quality Control Board (Regional Water Board) level.

Response: This would take away the discharger's right to file a petition to the State Water Board.

Comment 10: The utilities should be granted a grace period to continue managing their discharge requirements under Order number 2001-0011-DWQ while the permit application for the newly proposed order is being evaluated.

Response: See response to comment 1.

Comment 11: The terms "site" and "facility" appear to be used interchangeably throughout the newly proposed order as if utility companies have a dedicated site or facility subject to this order. In fact, utilities have thousands of vaults and several different types. We would propose referring to these designated vaults as "monitoring locations."

Response: The draft Permit does not require monitoring during each episode of dewatering. However, the use of the terms "site" and "facility" could cause unnecessary confusion. To add clarity, "site" will be defined as the vault or structure and "discharger" will be used when referring to the utility company. Omit the term facility.

Change: Page 1, Section I. "Facility Information" should be changed to "Discharge Information" and have the additional paragraph: "Due to the large number of vaults in each utility company, there is no single 'facility.' To avoid confusion, the term 'site' will be used when referring to a vault or underground structure and the term 'discharger' will be used when referring to the utility company." (These changes are too numerous to list here but will be made throughout the draft Permit as needed.)

Comment 12: It is not practical to individually sample each enclosure to satisfy the requirements of this Order. The reasons are: there are too many vaults, and precipitation events are unpredictable. Rather, we would propose an annual representative sampling of each type of vault "monitoring location" in each of the Regional Water Board areas in accordance with current practice.

Response: The draft Permit does not require monitoring during each episode of dewatering. Dischargers are required to submit the sampling results for five representative sites per Region in which they discharge. If PG&E has more than five types of vaults, they are encouraged, though not required, to conduct more monitoring.

Comment 13: Special Provisions Section VII.C.3.e.iii.b, page 10 of the proposed Order, would require an “Inventory of Exposed Material” in the PLAN. The inventory includes a description of significant materials that may be exposed to storm water from three years prior to the NOI and materials management practices employed to minimize contact of materials with storm water runoff from the past three years prior to the NOI. This historical requirement is unnecessary and provides no value to the PLAN. It is more important to include BMPs that address materials management practices that minimize contact of materials and equipment in vaults with storm water runoff.

Response: This requirement will be used to assess the significance of the discharge and whether coverage under this draft Permit is appropriate. The Regional Water Board staff needs to know the potential contaminants that could get in the discharge to determine what type of permit is appropriate. See sections II.C, II.D, and II.G for more information on the exclusion of coverage, permit eligibility criteria, and changes of authorization from a general permit to an individual permit. PPPs that address “materials management practices that minimize contact of materials and equipment in vaults with storm water runoff” should also be included in the PLAN.

Comment 14: Special Provisions Section C.3.e.iii.c, page 10 of the proposed Order, requires that a list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas exposed to precipitation or that otherwise enter the discharge stream from three years prior to the date of the submission of the NOI. This requirement of including historical data in the PLAN provides little practical value.

Response: See response to comment 13.

Comment 15: Agencies such as the CPUC and CAISO require certain operational and maintenance procedures that include inspections and evaluations of vaults and underground transmission facilities. CAISO requires the submission of maintenance plans from Participating Transmission Owners for review and approval. Utilities Distribution Departments are required by the CPUC to develop and submit compliance plans for Inspection Cycles for Electric Distribution Facilities under General Order 165. This compliance plan includes rigorous details on inspection and evaluation of vaults. They include a description of the equipment, the inspection, and the schedule. Annually, each utility submits a report of the inspections to the CPUC detailing compliance. Therefore, the proposed Order should allow other agency requirements that are equivalent to be used and referenced in the PLAN as appropriate. This will avoid duplication and ensure consistency.

Response: Agree. Where similarities between this draft Permit and CPUC's General Order occur, inspection plan information may be provided by reference, unless the State or Regional Water Board requests more information.

SAN DIEGO GAS & ELECTRIC (SDG&E) AND SOUTHERN CALIFORNIA GAS (SCG) COMPANIES

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Comment 16: Since most large utilities have already submitted NOIs and implemented BMPs and their PLANs, these requirements should apply only to new utilities requesting coverage under the Utility Vault Permit.

Response: A discharger who fails to submit an NOI in accordance with the terms of the permit is **not** authorized to discharge. The duty to reapply is a federal provision that is applicable to all permits.

Regulation: 40 Code of Federal Regulations (CFR) Part 122.28(b)(2) and 40 CFR Part 122.41(b).

Comment 17: The draft Permit requires an Inventory and Description of Exposed Materials. Utility vaults are not subject to handling, treating, or storing of disposed materials. Generally, underground vaults do not contain materials that would be exposed to precipitation.

Response: See response to comment 2.

Comment 18: The draft Permit requires inspections of designated equipment and areas on a quarterly basis. Since there are hundreds of thousands of underground utility vaults in the SDG&E and SCG service territories, this requirement for inspections is not practicable or feasible.

Response: Agree. See response to comment 6.

Change: Under section VII.C.3.e.iv.d, delete "on a quarterly basis."

Comment 19: Generally, pH readings are collected at the vault in the field and, when applicable, continuously during the time of discharge. This method of pH monitoring is to ensure that the water being discharged from the vaults does not exceed any pH limits for a Municipality during the vault dewatering activity. These pH readings are recorded in the laboratory field notes and are not usually repeated in the laboratory. Allow for field-testing of pH to be acceptable for the Effluent Monitoring Requirements or allow for an extended holding time so that the pH of samples can be read when brought back into the laboratory.

Response: Field-testing is preferable for monitoring pH because the test must be performed immediately. Options for analytical methods are listed in 40 CFR 136.

Change: To add further clarification to the draft Permit, the following language from the State Water Board's *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* will be added: "Laboratories analyzing monitoring samples shall be certified by the Department of Health Services, in accordance with the provision of Water Code section 13176, and must include quality assurance/quality control data with their reports."

SOUTHERN CALIFORNIA EDISON (SCE)

[\[VIEW THE LETTER\]](#)

Comment 20: Section VII.A.2 (page 8) requires retention of records for three years. However, Attachment E – Monitoring and Reporting Program, Section IV.G, specifies retaining these same records for five years. It should be noted that the extended records retention would not result in additional receiving water quality, as the Regional Water Boards will have reviewed the reports long before the three year retention period expires and will have had a sufficient opportunity to request such records. Thus, SCE requests that the record retention requirements in Attachment E be revised to be consistent with the three-year retention period specified in the draft Permit.

Response: There is a discrepancy in the revised permit. The federal provision stipulates that records must be retained for **at least** three years. However, both standard practice and the two previous utility vault general permits required that records be retained for the duration of permit coverage. Therefore, all records must be kept for five years.

Change: Section VII.A.2 should read: "The discharger is required to retain records, including all monitoring information and copies of all reports required by this General Permit, for **five** years unless directed otherwise by a Regional Water Board or the State Water Board."

Comment 21: While Special Provision VII.C.3.d allows an existing permit holder to submit a copy of its existing PLAN to be covered under the new draft Permit, an existing permit holder may need to reorganize and/or significantly expand its existing PLAN to meet the requirements of VII.C.3.e. Therefore, to conform to these new requirements as part of the draft Permit renewal process, SCE requests that the draft Permit allow sufficient time for PLANs to be revised in a systematic manner.

Response: See response to comment 1.

Comment 22: A number of the requirements in this Special Provision are not applicable to all utility vaults. For example, SCE's vaults do not contain "exposed materials that may be exposed to precipitation (VII.C.3.e.iii(b))." Thus, SCE recommends that the Special Provision be modified to require only those requirements that are applicable to the facilities covered under the draft Permit. SCE proposes that Special Provision VII.C.3.e be revised to read: "e. The PLAN shall include, to the extent applicable to the utility's structures covered under this permit, the following items:"

Response: Agree. See response to comment 2.

Comment 23: In Special Provision VII.C.3.e.iv (page 10), which specifies that each “facility” covered by the draft Permit shall develop a description of PPPs appropriate for the facility and implement such controls, the term “facility” is unclear, but could be interpreted to mean each utility vault covered by the draft Permit.

Response: Agree. See response to comment 11.

Comment 24: SCE strongly recommends that the frequency of a Site Evaluation and an Inspection be required only where there is an actual discharge from a representative vault. Such an evaluation and inspection of representative vaults will be both achievable and will yield adequate, manageable and relevant data on which to evaluate compliance with the Draft Utility Vault Permit and on which to base improvements to the PLANS.

Response: See response to comment 6.

Comment 25: Although SCE may retain ultimate responsibility for compliance with the Utility Vault Permit, inclusion of a provision that identifies contractors as responsible for fines associated with their vaults dewatering discharges in violation of the requirements of the Utility Vault Permit would assist utilities in ensuring compliance.

Response: This stipulation is more appropriate for the contract between the utility company and its contractor.

VERIZON

[\[VIEW THE LETTER\]](#)

Comment 26: Verizon is concerned that the changes in the language to Section II, Notification Requirements, would require a party for this draft Permit to provide both a list of every utility vault/manhole (herein referenced as utility vault), location, and a map showing the location of each such utility vault. This is because this section could be read to define each utility vault as a “facility” which must be so identified.

Response: The discharger must provide a description and map of the site (vault or structure) and the discharge location for each of its five representative samples.

Change: Section II.A should read: In addition, the NOI must include a project map(s) that shows the essential features of the distribution system within the Regional Water Board boundary and **maps** of the corresponding surface water **or storm drain** to which water may be discharged, **for five representative sites**.

Comment 27: Either the references to the term “facility” should be modified to make it clear that each utility vault is not considered a separate facility or the application should be able to designate an area where facilities exist.

Response: See response to comment 11.

Comment 28: If this draft Permit were read to require that each utility vault must be inspected at least once per year, Verizon would be forced to incur substantial costs that would certainly have to be passed on to consumers. A more protective and efficient alternative to conducting quarterly or annual inspections would involve a requirement for conducting a pre-discharge visual inspection for each occasion upon which water may be discharged from a utility vault. This would cover all discharges as opposed to allowing un-inspected discharges between required periodic inspections or inspecting utility vaults from which discharges may not occur. This alternative is one option that could be used in lieu of quarterly or annual inspection at vaults.

Response: See response to comment 17 and comment 24.

Comment 29: Section E. Effluent Monitoring Requirements. The discharger would have to provide a map showing the location of the samples taken for the case studies with respect to the distribution system. By using a Global Positioning System, Verizon should be able to comply with this requirement. However, this section could also be interpreted to require the applicant identify all surface waters within the boundaries of the service area to which water may be discharged. This could be interpreted to require the applicant to identify the complete discharge path from utility vault to ocean. We believe that this provision was intended only to require the identification of the nearest drainage feature such as a storm drain.

Response: Agree. Dischargers should provide a map of the point of discharge, either a storm drain or receiving water.