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November 30, 2007

US Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901
Attention: Ms. Amy Miller

MUNICIPAL SEPARATE STORM SEWER SYSTEM & CALIFORNIA INDUSTRIAL GENERAL STORM WATER PERMIT COMPLIANCE AUDIT REPORT

The City of Los Angeles, Department of Public Works, Bureau of Sanitation and Harbor Department (Port of Los Angeles) have reviewed the report referenced above and have compiled the attached summary of minor factual inaccuracies contained in the report. Also attached is a list of clarifications noted for the Findings of Violation/Compliance Orders issued to the Port tenants. The City appreciates the opportunity to review the audit report and requests that the attached corrections be made prior to finalization of the report.

The audit report includes several recommendations to improve the management of storm water run off at the Port. Specifically, the report indicates that communications between the two City departments, Public Works Sanitation and Harbor, should be improved so that both Departments have access to complete information regarding the activities of the Port tenants. The City concurs with this finding and has begun efforts to compile all inspection records for the Port tenants in a single data base that can be accessed by both Departments. Additionally, the City will be conducting a storm water management information meeting with the Port tenants to review the requirements of their General Industrial Activities Storm Water Permits and to assist them in developing their Storm Water Pollution Prevention Plans (SWPPP) and selecting the Best Management Practices (BMP's) for each of the tenant sites.

Please contact Ms. Alice Gong of the Bureau of Sanitation, Watershed Protection Division at (213) 485-3996 or Ms. Kat Prickett of the Harbor Department at (310) 732-3951, if you have any questions or concerns.

Sincerely,

(Original Signed)

Shahram Kharaghani, Division Manager
Watershed Protection Division
Bureau of Sanitation, Department of Public Works



**Summary of Inaccuracies Noted in USEPA’s Compliance Audit Report
for the Port of Los Angeles
Municipal Separate Storm Sewer System
and California Industrial General Storm Water Permit**

| Report Page # | City of Los Angeles-Harbor Department and Bureau of Sanitation, Watershed Protection Division Comments |
|----------------------|--|
| 1 | Expiration date of the County of Los Angeles MS4 permit is December 12, 2006, and not 2004. |
| 19 | Report states that 3 “Non-Tenant Facilities” were audited. From Figure B these are listed as GP, F&M Rail, and Impress USA Inc. These are all Port tenants. |
| 22 | ECA = “Environmental Compliance Assessment”, not “Assistance.” |
| 23 | Under “Deficiencies Noted” the first paragraph includes a statement that indicates Watershed Protection Division (WPD) compliance inspections to be semi-annual, when in actuality the inspections are twice during the permit term in accordance with the permit requirements. |
| 24 | Under Public Agency Facilities Management Component, the report indicates that the five public agency facilities within the Port were inspected twice during the past permit term. Note that Part 4F3 of the NPDES permit does not specify a frequency of facility inspections. WPD previously audited public agency facilities every 18 months, but is now performing audits of each facility on an annual basis. |
| 24 | Please note that as of October 2007, the C&M Yard has obtained ISO 14001 certification. |
| 26 | Please clarify which 6 facilities were judged to be significant threats to stormwater quality, and which 10 facilities were determined to have some deficiency in paperwork or BMP implementation (particularly given that 12 Findings of Violation/Compliance Orders were issued). |
| 31 | Under Section 4.2 of the report, the second sentence should state that “Some of the Port industrial facilities fall under critical source categories and therefore are covered under the MS4 industrial/ commercial SQMP component.” |
| 31 | Under Section 4.2.2 of the report, the first sentence should indicate that the Watershed Protection Division compliance inspections are conducted twice during the permit term and not semi-annually. |

Summary of Inaccuracies Noted in USEPA's Findings of Violation/Compliance Orders and Underlying Audit Forms

1. In several of EPA's audit report forms, under "Facility Location Information", POLA is listed as Owner, tenant listed as Operator (APM, General Petroleum, Marine Technical Services, PHL, San Pedro Fork Lift). Need to clarify that POLA does not own the facility, but is the land owner.
2. In most Findings of Violation (FOV), USEPA specifically states (under Item 14) that the Port does not assume responsibility for compliance with stormwater requirements at any of its tenant facilities and that industrial operators within its boundaries must obtain coverage under the GIASP. This is NOT stated in FOVs for American Marine Corporation (incorrectly called "American Workboats, Inc." in FOV), Marine Technical Services, PHL, and San Pedro Forklift. This statement should be added to these four FOVs.
3. On page 3 of the FOV for APM terminals (Maersk), item #17 indicates that respondent submitted an NOI on March 23, 2003, and was issued WDID #419I018069, however on page 5, item #25b indicates that respondent failed to submit an NOI for coverage under the General Permit. Please clarify which statement is correct.
4. In the audit report for Cerritos Yacht Anchorage, Andrew Jirik, of Los Angeles Harbor Department, Environmental Management Division, is incorrectly listed under "Operator of Facility" (along with Shannon Quick, who is operator). Andrew Jirik's name should be removed. Additionally, the use of the facility is incorrectly shown on the cover letter as a "marine cargo handling facility." The facility use is boat repairing and docking as indicated on page 2 of the FOV and on page 5 of the attached Industrial Storm Water Inspection Report.
5. The FOV for Del Monte (or "Star-Kist Foods, Inc."), states that Respondent failed to conduct sampling or maintain records of sampling activities (see Item 23.b.1). The audit report states that stormwater samples were collected from the first storm event of the season only. This should be clarified.
6. The audit form for Del Monte includes 2 aerial photos. These are not of the Del Monte/Star-Kist facility, but of the facility bordered by Barracuda, Bass, and Earle Streets.
7. The audit form for Eagle Marine includes several aerial photos. Photo 2 does not appear to be of the facility (cannot positively ID).
8. Audit report for PHL lists the Receiving Water as "Long Beach Harbor." Should be changed to "Los Angeles Harbor."
9. The audit report for STS (Evergreen) states that the Monitoring Plan was not available. The FOV states that samples were not collected from all locations. Should clarify how FOV statement can be made if the Monitoring Plan is not available to determine where sampling should have occurred.