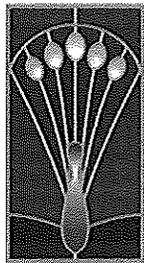


City of Alhambra



May 18, 2015

Mr. Man Voong  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

losangeles@waterboards.ca.gov.

Dear Mr. Voong:

**COMMENT LETTER – LOS ANGELES RIVER TRASH TMDL REVISIONS**

This letter is being sent on behalf of the cities of:

Alhambra,  
Arcadia,  
Burbank, and  
Glendale

Thank you for the opportunity to meet with you and other members of the Regional Board staff on March 23, 2015 to share our concerns regarding the Los Angeles River Trash TMDL (LAR Trash TMDL) in general as well as the proposed revisions to the Trash TMDL. The cities listed above have reviewed the proposed revisions to the Trash TMDL and submit the following comments:

Catch Basin Retrofit Compliance

On pages 4 and 5 of the proposed changes to "Attachment A to Resolution R15-XXX," the proposed language states:

*"Alternatively, in drainage areas where the vast majority of catch basins are retrofitted with FCS, the FCS are properly sized, operated, and maintained, and retrofit of the remaining catch basins is technically infeasible, responsible agencies may request that the Executive Officer make a determination that the agency is in full compliance with its final WLA if all of the following criteria are met: 1) 98% of all catch basins within the agency's jurisdictional land area in the watershed are retrofitted with FCS (or, alternatively, 98% of the jurisdiction's drainage area is addressed by FCS) and at least 97% of the catch basins (or, alternatively, drainage area) within the agency's jurisdiction*

*in the subwatershed (the smaller of the HUC-12 equivalent area or tributary subwatershed) are retrofitted with FCS.”*

Many catch basins, especially in older areas of cities, are too small to be retrofitted with the current standard of full capture systems. Until such time when the Los Angeles County Flood Control District (LACFCD) releases approved standards for installing of smaller or more customizable inserts, 98% is effectively unachievable. We suggest the number be lowered to 85%-90%, which we understand is the typical percentage of catch basins that can be effectively retrofitted.

Additionally, item 3 on page 5 of the proposed changes to “Attachment A to Resolution R15-XXX” states:

*“The agency submits to the Regional Board a report for Executive Officer approval, detailing the partial capture devices and/or institutional controls that are currently and will continue to be implemented in the affected subwatershed(s), including an assessment of the effectiveness of the partial capture devices and/or institutional controls using existing data and studies representative of the subwatershed or jurisdictional area. If, based on Regional Board evaluation, existing data and studies are determined nonrepresentative, responsible jurisdictions may also be required to conduct a special study of institutional controls and partial capture devices in the particular subwatershed(s) where the non-retrofitted catch basins are located.”*

Given that many catch basins are too small for full capture systems, and that many catch basins are owned by the LACFCD, and that Connector Pipe Screens (CPS) and Automatic Retractable Screens (ARS) cannot be installed in any location where catch basins are sumps, LAR Trash TMDL responsible parties should be given the opportunity to first conduct an effectiveness assessment of partial capture and institutional controls for the remaining catch basins where full capture systems are not feasible.

#### Receiving Water Monitoring

The intent of the proposed receiving water monitoring is to determine if trash is entering the local receiving waters. However, the original intent of the LAR Trash TMDL was to reduce and ultimately eliminate trash from entering the storm drain system by installing full-capture trash devices, partial-capture trash devices, implementing institutional controls, or some form of combination of these controls. This original intent is acceptable as MS4 co-permittees subject to the LAR Trash TMDL can control point-source discharges by retrofitting most storm drain inlets. The proposed receiving water monitoring of trash will not be representative of point-source discharges, as the receiving water collects non-point source discharges and other NPDES permit discharges which also likely convey trash. Finally, there are portions of the Los Angeles River waterbodies used by trespassers – these trespassers also generate trash. Rather than focusing on receiving water monitoring for trash, LAR Trash TMDL responsible parties should instead be focused on point-source controls, non-point source effective strategies, and when necessary, enforcement of trespassing and/or the illicit discharging of trash. In order to focus on these other requirements to reduce and eliminate trash entering the receiving waters, we ask that you remove the receiving water monitoring requirement.

### Plastic Pellet Monitoring

We have a serious concern about the requirement to develop and submit a Plastic Pellet Monitoring and Reporting Plan (PMRP). The PMRP calls for protocols for a timely and appropriate response to possible pellet spills within the Permittee's jurisdiction. We believe the plastic pellets carriers and manufacturers must have a comprehensive plan to ensure that plastic pellets are contained in the event of a spill. Additionally, clean-up activities due to plastic pellet spills must not be the responsibility of the MS4 co-permittees subject to the LAR Trash TMDL.

### Responsibilities of the Los Angeles County Flood Control District

Although the LACFCD is participating in many MS4 permit efforts, the LACFCD has basically put the onus on MS4 co-permittees to comply with the LAR Trash TMDL. Please note that the LACFCD owns and operates the majority of the storm drain system in all cities party to this letter as well as various other cities within the LAR Watershed. This is contrary to what the Ventura County Public Works Agency (VCPWA) and the Ventura County Watershed Protection District (VCWPD) is doing<sup>1</sup> within its jurisdiction - the VCPWA and VCWPD are implementing requirements of the Malibu Creek Watershed Trash TMDL for both point-sources and non-point sources. As such, the LACFCD should also be made a responsible party to address both point-sources and non-point sources in the LAR Watershed. We understand that the current L.A. River Trash TMDL does not assign a Waste Load Allocation to the LACFCD, however, one can make the argument that under Federal Law they should; as was discussed in the March 23, 2015 meeting attended by the cities party to this letter and the Regional Board staff, the 1915 Flood Control Act clearly specifies that the Flood Control Districts shall be responsible for trash and debris in their catch basins.

Furthermore, it is our understanding that the LACFCD believes that it "does not generate pollution; it only conveys the pollution." We do not agree with this position since residents of cities party to this letter are also LACFCD residents. The fact that the TMDL does not include a waste load allocation for the LACFCD does not mean that it shouldn't under Federal Law. A similar situation exists with the Santa Clarita River Chlorides TMDL (Chlorides TMDL). The Chlorides TMDL imposed stringent limits on the Los Angeles County Sanitation Districts, even though the Los Angeles County Sanitation Districts did not introduce salt into the source water. Being the discharger and the owner of the publicly-owned treatment works (POTW), the Los Angeles County Sanitation Districts was assigned the responsibilities of reducing the chloride limits as the receiver of "less diluted" source water due to the on-going drought. In the same manner, the LACFCD accepts stormwater runoff into its facilities and as the discharger and owner of the majority of the storm drain system in LAR Trash TMDL responsible parties' jurisdictions, the LACFCD should be made the responsible party for reducing and eliminating trash from entering its LACFCD-owned facilities.

The LACFCD needs to either install the full capture inserts in their own catch basins or relieve cities of maintenance and liability for the flood control districts catch basins should cities volunteer to install full capture insets. Suggested wording to remedy this, Item (i & ii) on page 7 is (**bold underline added**):

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<sup>1</sup> Please go to

[http://www.waterboards.ca.gov/losangeles/board\\_decisions/basin\\_plan\\_amendments/technical\\_documents/72\\_New/Comment%20Letters/08VCWPD.pdf](http://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/72_New/Comment%20Letters/08VCWPD.pdf)

(i) Without good cause denied entitlements, waiver of liability or other necessary authority to a responsible jurisdiction of agency for the timely installation and/or maintenance of full and or partial capture control devices for the purpose of TMDL compliance - - -.

(ii) Not fulfilled its obligations regarding by installing and maintaining full capture systems and other proper BMP installation, operation and maintenance for purpose of TMDL compliance with the MS4 physical infrastructure under its authority.

Assignment of the Existing Load Allocation for Non-point Source Discharges

The LAR Trash TMDL is proposing to assign load allocations for non-point source discharges only to adjacent recreational facilities of the LAR Watershed waterbodies. While we understand that non-point sources need to be addressed to prevent trash from entering the local waterbodies, portions of the Los Angeles River waterbodies are used by trespassers – these trespassers also generate trash. Also, there are instances where Los Angeles River waterbodies are not adjacent to recreational facilities and yet, we believe these other facilities are also generating non-point source trash, which ultimately enter the Los Angeles River waterbodies. For example, long portions of the Burbank Western Channel (BWC) are adjacent to the Interstate-5 freeway owned and operated by the California State Department of Transportation (Caltrans) – this is not a recreational facility, but it could significantly contribute non-point sources of trash into the BWC over time. In short, we feel it is unfair to only assign the load allocation to adjacent recreational facilities.

Thank you for the opportunity to provide you our comments. Should you have any questions, please contact Maurice Oillataguerre at (818) 550-4511.

Sincerely,



Stephen M. Zurn  
General Manager - GWP