

Responsiveness Summary – CEQA Scoping Meeting for the Los Angeles River Trash TMDL held on June 28, 2006

1. Lily Y. Lee
2. American Plastics Council (APC) & Polystyrene Packaging Council (PSPC)
3. Contech Stormwater Solutions (Contech)
4. City of Azusa
5. City of South Pasadena
6. City of Inglewood

No.	Author	Date	Comment	Response
1.1	Lily Y. Lee	6/19/06	With CEQA now being brought into play retroactively, what happens to all the steps that have been taken to meet the prior Trash TMDL requirements in the City of Los Angeles? Specifically, what happens to the Prop "O" money that was designated for projects to meet those requirements?	CEQA is now being addressed more thoroughly. All steps taken to meet the prior TMDL will be counted towards compliance with the new trash TMDL. Prop "O" is a City of Los Angeles program. Projects designated for the new TMDL requirements should still be eligible for Prop "O" funds.
1.2	Lily Y. Lee	6/19/06	In this new process to re-review the Los Angeles River Watershed Trash TMDL, I <u>support</u> all staff recommendations on how to achieve the goals spelled out in the plan.	This show of support is appreciated.
2.1	APC & PSPC	6/30/06	...It is our understanding, as indicated by Regional Board staff at the June 28, 2006 scoping meeting that the Regional Board intends to follow a tiered approach, by preparing its CEQA document as a Tier 1 document analyzing impacts of control measures at a programmatic level. Both structural measures (designed to trap and collect trash) and non-structural measures (such as anti-littering campaigns and street sweeping) would be considered. The Regional Board's Tier 1 document would be followed as necessary by Tier 2 documents prepared by the	This is an accurate interpretation of the approach to CEQA compliance.

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			<p>entities subject to the WLAs - primarily the cities in the Los Angeles River watershed - as CEQA compliance for adoption of their own specific control measures.</p>	
2.2	APC & PSPC	6/30/06	<p>APC/PSPC agrees that a tiered approach, as authorized by CEQA, is correct in this instance, where the specific strategies that individual cities may choose to adopt are not yet determined. However, we are concerned by statements of both Regional Board staff and dischargers at the June 28 scoping meeting. In particular, Regional Board staff indicated that, while site-specific control measures would be considered in later tiers of CEQA compliance, the Tier 1 document will also consider the impacts of control measures that may be implemented on a region-wide basis.</p> <p>The implication was that, to the extent that the document can fully evaluate impacts associated with regional control measures, such measures could be adopted by cities without further Tier 2 evaluation. More specifically, a representative of the City of Downey cited ordinances adopted by several California cities restricting use of polystyrene plastic food service packaging, and proposed that the Regional Board's Tier I document should evaluate a region-wide ban on polystyrene plastic packaging. That option would presumably appeal to cities seeking to avoid the implementation of costly structural controls, which has been their primary concern in the Trash TMDL litigation.</p>	<p>A Region wide ban of polystyrene food packaging is not a foreseeable means of compliance because these bans are typically implemented on a municipal or County-wide basis. Individual cities may seek to control trash at the source in addition to implementation of structural devices and, certainly, it is within their purview to do so. Should any ban be proposed as a compliance measure or for other reasons, the municipality would be the lead agency for CEQA compliance and evaluation of environmental impacts, if necessary. While product bans were tangentially mentioned during the CEQA scoping meeting of June 28, 2006, no city nor commentor on the TMDL has suggested that a ban on polystyrene products is a reasonably foreseeable method of compliance.</p>
2.3	APC & PSPC	6/30/06	<p>It is well-settled that, where there is evidence that a program or regulation intended for environmental protection may have unintended adverse environmental consequences, those consequences must be analyzed and, if feasible, mitigated in accordance with CEQA before the regulation or ordinance may be implemented. See, e.g., <u>County Sanitation District v. County</u></p>	<p>See response to 2.2.</p>

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			<p><u>of Kern</u>, 127 Cal. App. 4th 1544 (2005). For this reason, the Regional Board's Tier 1 document must analyze impacts of reasonably foreseeable control strategies at the programmatic level. Just as the court in <u>City of Arcadia</u> found for structural controls, numerous important questions and issues must be considered in evaluating whether non-structural strategies such as polystyrene packaging bans may have such adverse environmental side-effects. (Some of those questions and issues are discussed below.) Moreover, alternatives exist that would avoid such environmental impacts, while also more effective and efficiently achieving the objective of implementing the WLAs.</p>	
2.4	APC & PSPC	6/30/06	<p>...the Regional Board and the cities cannot have it both ways, utilizing a Tier 1 document to defer a complete analysis, and then failing to conduct that analysis at a later stage. Unless the Regional Board is prepared at this time to undertake a full evaluation of the scientific evidence pertaining to such impacts and alternatives - in other words, to forego the tiering approach - it is premature and inappropriate for the Tier 1 document scope to address a region-wide polystyrene ban. Moreover, incorporating this <i>effort</i> into the scope of a purported program-level, Tier 1 document would be unnecessary and inconsistent with the Regional Board's stated goal of completing CEQA compliance and re-adopting the Trash TMDL as expeditiously as possible. We therefore urge the Regional Board to make clear that its Tier 1 document must be followed by appropriate measure-specific Tier 2 analysis by the cities, before they can take actions with potentially adverse environmental impacts</p>	See response to 2.2.
2.5	APC & PSPC	6/30/06	<p>... if and when individual cities in the Los Angeles River watershed decide to achieve their WLAs by adopting ordinances or other programs to restrict polystyrene packaging use, their actions will be discretionary decisions subject to CEQA. To</p>	See response to 2.2.

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			<p>comply with CEQA, the cities must ensure that when they make those decisions, they are fully informed by environmental considerations as analyzed in Tier 2 documents. Conversely, if the Regional Board intends the cities to rely on its Tier 1 document, avoiding the need for Tier 2 review prior to their respective decisions on local ordinances or programs, then the discretionary decision is being made <u>now</u>, by the Regional Board. That decision cannot be made without a full exploration of its potential significant environmental impacts at this time, in the purported Tier 1 document.</p> <p>For these reasons, APC/PSPC urges the Regional Board to clarify that (i) the scope of its Tier 1 document does <u>not</u> include a complete, project-level analysis of environmental impacts associated with polystyrene plastic packing bans in the food service or other contexts, and (ii) the cities must undertake appropriate measure-specific Tier 2 analysis before they can adopt these or other control measures with potentially adverse environmental impacts.</p>	
2.6	APC & PSPC	6/30/06	<p>Questions and issues regarding environmental side-effects that either the Regional Board must consider now, or the cities must consider later, include the following:</p> <p>Mandate of alternative packaging: A ban on one material will not affect the total amount of food service packaging used, but will divert users to alternate materials. As a result, a ban on one material effectively serves as a mandate for alternate materials. If a ban changes the mix of materials used locally, without also implementing an effective means of reducing litter, the ban can be expected to increase the amount of alternate bio-based</p>	See response to 2.2.

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			<p>materials in the litter stream and the local environment.</p> <p>Accordingly, the questions which must be addressed before implementing a polystyrene packaging ban include:</p> <p>What are the consequences of increasing the amount of bio-based packaging materials in the environment?</p> <p>Could bio-based materials enter the food chain and cause adverse impacts on fish and wildlife?</p> <p>Do the potential adverse impacts to fish and wildlife from bio-available materials outweigh the impacts of non-bioavailable plastics?</p>	
2.7	APC & PSPC	6/30/06	<p>Nutrient issues. Bio-based plastics are designed to degrade to nitrogen and other source materials when exposed to heat and moisture. Will the degradation of an amount of bio-based plastic roughly equivalent to the amount of petroleum-based plastic currently estimated to pass through the Los Angeles River system lead to increased nutrient levels in the River? If bio-based materials were allowed to degrade in shallow, stagnant pools in the river bottom, would the concentrated nutrients released by the degradation lead to explosive growth in algae and fungi in those pools? Would this phenomenon lead to additional habitat effects?</p>	See response to 2.2.
2.8	APC & PSPC	6/30/06	<p>Wildlife habituation issues. Will increasing the amounts of bio-based material in the environment lead to certain species adopting these plastics as a food source? What are the potential ecological consequences if some species adopt bioplastics as a plentiful new food source and thus increase in population? Would increased use of bioplastics lead to more harmful animal contact with plastic trash, including contact with non-bio-based materials by animals which move in and out of the Los Angeles</p>	See response to 2.2.

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			River watershed?	
2.9	APC & PSPC	6/30/06	Comparative product impacts. Life Cycle Inventory analyses suggest that impacts from all common food service materials - plastic, paperboard, and ceramic - have roughly similar profiles of energy consumption, air emissions, etc. However, the impacts of replacing the amount of current petroleum-based plastics with an equivalent amount of bio-based plastics, along with the related increase in production of raw materials such as com, should be evaluated. Would a mandate for use of bio-based products result in increased fuel, fertilizer, and land consumption and the widespread introduction of genetically-modified organisms designed to increase production of necessary chemicals?	See response to 2.2.
2.10	APC & PSPC	6/30/06	Air quality and energy impacts. Would the introduction of large amounts of degradable packaging into the environment result in emissions from the degradation process that could aggregate over time to a significant source? If municipalities ban the use of plastic or polystyrene foam foodservice products, would the substitution of heavier paper or bio-based products result in increased air emissions and energy impacts as the materials are transported to consumers and then hauled to landfills? Moreover, foodservice containers are generally not recycled, in part due to the amount of energy consumed in collecting, sanitizing, handling and transporting these products. Mandates to recycle foodservice products could result in significant environmental impacts from the additional truck trips (with associated energy consumption and emissions) necessary to greatly expand the recycling system.	See response to 2.2.
2.11	APC & PSPC	6/30/06	Composting facility capacity. The bio-based packaging industry recommends that its products be disposed of in a municipal or	See response to 2.2.

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			<p>industrial composting facility in order to realize the packaging's maximum environmental efficiency. However, there is no available capacity at this time in Los Angeles County to handle additional compostable materials. If the use of bio-based materials greatly increases, additional facilities would need to be built, or the materials would need to be transported to facilities in Kern or San Bernardino Counties, which might also need to be expanded. What environmental impacts would be associated with siting and constructing these new composting facilities?</p>	
2.12	APC & PSPC	6/30/06	<p>Environmental justice. Plastic products, particularly traditional plastic foodservice packaging, tends to be less expensive than paper or bio-based alternatives, particularly when bought in small quantities by locally-owned businesses. If local municipalities enact bans on plastic products, local businesses, especially small restaurants and grocers, will be forced to pay a premium of two to three times the cost of the plastic products that they currently use. Many businesses potentially affected by potential bans imposed by municipalities within the LA River watershed are ethnic restaurants located in economically challenged areas. These bans would present major challenges to these restaurants, whose customer base depends on a source of affordable meals and cannot afford price increases. By imposing the burden of an environmental program disproportionately on minority communities, would product bans potentially carry environmental justice implications?</p>	See response to 2.2.
2.13	APC & PSPC	6/30/06	<p>Human health impacts Plastic foodservice products, particularly polystyrene foam containers, are very efficient at keeping prepared food at temperatures mandated by local health agencies for food safety. Banning foam foodservice products would deprive restaurants of</p>	See response to 2.2.

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			<p>proven products that could lead to increases in food borne illness. Another reason that foodservice containers are generally not recycled is concern regarding sanitation and food safety. Mandates to recycle foodservice products could result in significant public health impacts from storing, collecting, and reusing used foodservice materials.</p>	
2.14	APC & PSPC	6/30/06	<p>Public response to a ban strategy. The foreseeable response behavior of the members of the public would be critical to determining the environmental consequences of a ban strategy. Questions which must be addressed include:</p> <p>Would labeling a product "biodegradable" or "compostable" encourage consumers to think that it would be environmentally beneficial to throw trash items onto the ground or into a drainage ditch or storm drain?</p> <p>Would "biodegradable" products be more likely to be littered, and thus increase the amount of trash on streets, stormdrains, and the Los Angeles River?</p> <p>Do product bans give the impression to the public that the problem of litter and waterborne debris is "solved"? Would this lead to greater challenges in encouraging reductions in littering behavior?</p>	Comment noted.
3.1	Contech	7/6/06	<p>Contech Stormwater Solutions Inc. is the Nations largest provider of post construction stormwater treatment technologies. We currently offer two technologies that may qualify as "Full Capture Devices" as defined in the TMDL as drafted for the Los Angeles River. Our experience with these devices in California and elsewhere gives us a unique perspective regarding the potential environmental impacts resulting from their use.</p>	Input from all stakeholders is encouraged and appreciated.

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			<p>The VortCapture is a manhole based separator with an internal high flow bypass that can remove trash and debris, sediment and oil from flows up to 20 cfs depending on the model. It has an internal screen with 4.7 mm apertures that is arranged parallel to the incoming flow which reduces potential for screen blinding. This phenomenon is commonly referred to as continuous deflective separation.</p> <p>The StormScreen is a vault based device that utilizes a series of filter cartridges with 2.0 mm screens to remove trash and debris. It also has a sedimentation sump and is commonly used to treat flows up to 10 cfs. This system can also be configured to drain dry between storms.</p>	
3.2	Contech	7/6/06	<p>Earth – There are no adverse environmental impacts likely with the exception of disruption of soils during the installation of the treatment systems. Construction does involve excavation of a pit where the treatment system will be located and filling and compaction around the system after installation. This disruption is comparable to that experienced during routine storm drain infrastructure repair and is adequately mitigated with construction BMPs.</p>	<p>Comment noted. These impacts are discussed in detail in Item 1 Earth b of the CEQA Checklist.</p>
3.3	Contech	7/6/06	<p>Air – There are no adverse air quality impacts likely.</p>	<p>Comment noted. Potential Impacts to air quality were identified and discussed in detail in 2. Air a of the CEQA Checklist.</p>
3.4	Contech	7/6/06	<p>Water – The nature of these types of devices is to provide a barrier to the passage of trash and debris by inserting a screen or other obstruction into the flow of runoff. This will create head loss within the drainage system, however this head loss is quantified during the design process and many options are</p>	<p>Comment noted. This issue is discussed in the “General Environmental Comments” section of the checklist and again under Item 3. Water.</p>

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			<p>available to assure that there are no adverse impacts. For example, all devices are installed with a high flow bypass that allows flow in excess of the peak 1-year flow rate to be routed around treatment. The dimensions of bypass weirs and flow controls within the treatment systems can be increased to minimize the impact on the hydraulic grade line. These devices do not have an appreciable impact on the rate or volume of discharge.</p>	
3.5	Contech	7/6/06	<p>Plan Life – No impacts are likely.</p> <p>Animal Life - There is some concern about bacterial concentrations within these types of devices. Very little data exists to support this concern. The real difference is that the organic trash and debris, and the bacteria associated with its decomposition is concentrated rather than dispersed downstream as it would be if there were no treatment controls implemented. The removal of digestible materials suggests that bacterial loads in the downstream environment would be reduced.</p>	<p>Comment noted. Potential Impacts to plant life were identified and discussed in detail in 4. Plant life a-d of the CEQA Checklist.</p> <p>Other potential Impacts identified and discussed in detail in 5. Animal life a-d Bacterial concentration are not discussed in this section and are included under health hazards.</p>
3.6	Contech	7/6/06	<p>Noise – There is no significant noise associated with the ongoing maintenance of these systems. However, during maintenance vacuum trucks are typically used which can be loud. Maintenance typically takes up to three hours for most units with the vacuum truck running about half that time. Maintenance frequency depends on the rate of loading. In high load generating areas it may be needed a couple of times per year, but typical frequency is one maintenance event per 1-3 years. Maintenance contractors are well trained and typically use similar equipment</p>	<p>Comment noted. Potential noise impacts were identified and discussed in detail in 6. Noise a-b of the CEQA Checklist.</p>

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			to what is typically used by cities to maintain catch basins. If noise is expected to be a problem, notice can be provided to affected parties and effort can be made to run the vacuum only when active suction is needed.	
3.7	Contech	7/6/06	<p>Light and Glare – No adverse impacts are expected.</p> <p>Land Use - No land use impacts are expected. In fact these devices are typically installed below grade and can be paved over, landscaped over etc. provided that access is preserved through the manholes or hatches which are provided. The VortCapture and StormScreen are always designed to accommodate vehicular loading.</p>	<p>No adverse “light and glare” impacts are expected.</p> <p>Comment noted. Potential land use impacts were identified and discussed in detail in 8 Land use a-d of the CEQA Checklist.</p>
3.8	Contech	7/6/06	<p>Natural Resources – No adverse impacts are expected.</p> <p>Risk of Upset - No adverse impacts are expected.</p> <p>Population - No adverse impacts are expected.</p> <p>Housing - No adverse impacts are expected.</p> <p>Transportation/Circulation - No adverse impacts are expected.</p>	<p>Staff reached the same “no adverse impact” conclusions for Natural Resources and Population.</p> <p>Potential Impacts for risk of upset, housing and transportation identified and discussed in detail in Items 10, 12, and 13 of the CEQA Checklist.</p>
3.9	Contech	7/6/06	Public Service – The cost for these treatment systems is typically borne by the land owner which may be a developer, a business, a public agency etc. At this point, most of our installations are new construction or redevelopment projects that are not publicly funded. These projects generally do not require public funding for construction. However, the maintenance responsibility for	Comment noted. Potential impacts to public services were identified and discussed in detail in Item 14 Public Service a-f of the CEQA Checklist.

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			<p>treatment systems is commonly turned over to a city or county agency.</p> <p>It is anticipated that meeting the trash TMDL will require an increase in the number of publicly funded projects and that these projects are likely to be located on public land, which is in short supply. Therefore the use of space efficient BMPs such as the ones that we provide will be necessary to maximize the benefits from those projects.</p>	
3.10	Contech	7/6/06	<p>Energy - No adverse impacts are expected.</p> <p>Utilities – The TMDL may require significant alteration to the routing of stormwater drainage. The treatment systems provided by Contech can be installed in an existing pipe line with minimal impact although in some cases it will require an increase in the size of the conveyance system to accommodate the minimal head loss associated with treatment and bypass structures.</p>	<p>Comment noted. Potential impacts to public services were identified and discussed in detail in Item 15 Energy a-b of the CEQA Checklist.</p> <p>Potential impacts to utilities are identified and discussed in detail in Item 16e of the CEQA Checklist.</p>
3.11	Contech	7/6/06	<p>Human Health – Vector concerns are associated with most treatment systems including natural practices like ponds and swales and structural practices like the ones provided by Contech. There are safeguards that can be implemented to prevent the creation of mosquito breeding habitat. For example, the StormScreen is commonly designed to include a drain down channel in the bottom of the tank that keeps the system free of standing water in between storms. The VortCapture is an effective oil removal device and as such it is likely to have some floating hydrocarbons on the surface of the treatment chamber.</p>	<p>Comment noted. Potential impacts to public services were identified and discussed in detail in Item 17 Human Health a. of the CEQA Checklist.</p>

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			<p>This creates an inhospitable environment for mosquitoes. Additionally Contech provides mosquito barrier inserts that fit between the manhole frame and covers. These inserts prevent mosquitoes from entering or exiting the system while allowing free exchange of air in and out of the system.</p> <p>18. Aesthetics - No adverse impacts are expected.</p>	<p>Potential Impacts to aesthetics are identified and discussed in detail in Item 18. Aesthetics a-b of the CEQA Checklist.</p>
3.12	Contech	7/6/06	<p>In summary, adequate safeguards exist such that the impact of installation, operation and maintenance of the VortCapture and StormScreen treatment systems and other similar “full capture” systems will cause no significant environmental impacts. I hope that this summary is useful to you as you complete the CEQA analysis.</p>	<p>Staff found this evaluation constructive and has augmented the draft document as appropriate.</p>
4.1 5.1 6.1	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	<p>The City of Azusa/South Pasadena/Inglewood asks that the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board"), convene at least a second CEQA scoping session to facilitate its preparation of an Environmental Impact Report ("EIR") for the Los Angeles River Trash Total Maximum Daily Load ("TMDL"). The scoping session convened by the Regional Board on June 28, 2006, fell short of what it should have accomplished, which is to scope the potential impacts of the proposed project.</p>	<p>In the preparation of the 2001 Trash TMDL, meetings and workshops were held to discuss, among other things, impacts of the TMDL and means of compliance. Prior to adoption of the TMDL, written comments on the TMDL and its impacts were received and considered. The CEQA Scoping meeting of June 28, 2006 built on considerable meetings, workshops and discussions and was useful to staff in further flushing out and completing CEQA scoping for the potential impacts of the proposed trash TMDL. The July 2006 CEQA checklist and</p>

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				<p>other TMDL documents were available for public review for at least 45 days and many comments on the environmental review have been received. Further CEQA meetings are unlikely to bring significant new issues to the forefront.</p>
<p>4.2 5.2 6.2</p>	<p>City of Azusa City of South Pasadena City of Inglewood</p>	<p>7/10/06 7/10/06 7/17/06</p>	<p>Regional Board staff requested "interested persons" to provide information about: (1) how jurisdictions would comply with the Trash TMDL; (2) significant environmental impacts associated with compliance; (3) specific evidence supporting reasonable impacts and their significance; (4) reasonable alternative means of compliance that would have less significant adverse environmental impacts; and (5) reasonable mitigation measures that would minimize unavoidable significant impacts associated with compliance.</p> <p>As conveyed by commenters to Regional Board staff and its legal counsel during the June 28, 2006 scoping session, adequate information in connection with several of these issues was prevented because the "project" was not adequately described. The Regional Board made no reference in the scoping notice of a functionally equivalent EIR, which was mandated by the San Diego Court of Appeal. Instead, the notice said that the scoping meeting will be held to "receiving comments on the scope and content of a <i>functionally equivalent substitute environmental documents</i> supporting a basin plan amendment to establish a new trash TMDL and implementation plans for the Los Angeles River."</p>	<p>Comment noted</p> <p>Interested persons are very familiar with the scope of the Trash TMDL. A Trash TMDL with similar compliance measures was first adopted by the Regional Board in 2001 and was in effect until it was set aside in June of 2006. It was made clear that the purpose of the CEQA Scoping Meeting was to obtain further input from stakeholders on the impact of compliance with the new trash TMDL. The substitute environmental documents prepared by the Regional Board comply with CEQA and the findings of the San Diego Court</p>

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			<p>However, at no time prior or during the scoping session did the Regional Board state that the scoping meeting was aimed at preparing a functionally equivalent EIR. Therefore, the Regional Board should reconvene the scoping session, based on this additional omission.</p>	<p>of Appeal.</p>
<p>4.3 5.3 6.3</p>	<p>City of Azusa City of South Pasadena City of Inglewood</p>	<p>7/10/06 7/10/06 7/17/06</p>	<p>The Project Lacked Adequate Description</p> <p>The scoping meeting notice issued by the Regional Board, dated June 15, 2006, states: "This project would supersede the previously approved Los Angeles River Trash TMDL ..." It goes on to say that commenters should anticipate that the project will include a trash TMDL that assigns a zero waste load and load allocation a load allocation of zero to non-point sources, phased implementation over a 10 year period, and a presumption of compliance with the zero waste load allocations based on the installation of full capture technologies (determined by the Regional Board).</p> <p>Nevertheless, Regional Board staff did not provide a description of which full capture devices would meet with the zero trash TMDL and the cost of such controls. It is understood that much of that information could be extracted from the "previously adopted" trash TMDL. However, it is our understanding that the trash TMDL for the Los Angeles River is invalid. Further, we are aware of a settlement agreement between the City and County of Los Angeles and the Regional Board that included an implementation plan that did not rely exclusively on the vortex separation system which is the only full capture <u>control specified in the invalidated trash TMDL for the Los Angeles River. This "alternative means of compliance," in addition to the cost of</u></p>	<p>See response to 4.2, 5.2, 6.2</p> <p>Responsible agencies generally select the means by which they feel compliance can be reached with TMDL requirements. As previously stated by the commenter, the notice requested that stakeholders be prepared to provide "reasonable alternative means of compliance" among other things.</p> <p>The characteristics which define a "Full Capture" device are included in the Staff Report for this TMDL. The commenters clearly have an excellent grasp of the types of technologies which might be used to comply with this TMDL.</p>

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			<u>installing full capture devices, should have been included in the project description. It also would have been useful to reference non-structural best management practices (BMPs) such as catch basin clean-outs, street sweeping, and public education outreach as an alternative means of compliance.</u>	
4.4 5.4 6.4	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	Having this information would have facilitated at least a brief analysis of the cost impact of the project on subject municipalities, Caltrans, and other storm water permittees, including industrial facility (Le., GIASWP) permittees, and public school districts (Phase II permittees). Impacted parties would have been better able to "scope out" the potential adverse impacts of the project on each jurisdiction's services and programs. Although economic effects are not directly CEQA-subject, the cost associated with a project could impact a jurisdiction's ability to adequately provide services to its citizens. As the Sierra Club has noted: "For example, if a project fails to generate revenue adequate to fund its share of public services, will the level of such services available for existing residents decline? Will roads fall into disrepair? Will the availability of parks decline as existing ones are used by more people? Will illegal dumping increase? These would all be physical effects on the environment stemming from project economics."	Costs of compliance, while important to consider in TMDL implementation and in the length of implementation periods, are not subject to CEQA analysis.
4.5 5.5 6.5	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	The City, therefore, encourages Regional Board staff to accurately define the project and provide updated cost information for each implementation alternative, based on current dollars as opposed to costs that are mentioned in the invalidated trash TMDL for the Los Angeles River, which is now	The project is well defined in the Notice for the CEQA scoping meeting of June 28, 2006 and thoroughly discussed in the Staff Report. The economic analysis is based on the area of the Los Angeles

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			5 years old.	River watershed, an estimate of number of catch basin inserts, vortex separators and end of pipe nets required to implement the TMDL and unit costs for the number of catch basins in the Los Angeles River watershed, and the unit costs for the device. This is a standard cost estimating protocol used widely in the engineering and construction industries, and the unit. The assumptions used to estimate watershed area and the capacity and costs for catch basin inserts, vortex separators, and trash nets are reasonable and the cost estimate is valid.
4.6 5.6 6.6	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	Specific Evidence Supporting Impacts Is Unreasonable The City knows of no CEQA requirement calling for "specific evidence" to support environmental impacts of a project - even one that is adequately described. This seems to be a Regional Board requirement. Nevertheless, the Regional Board is advised to examine the impacts of costs associated with the proposed project on storm water permittees and other interested parties including the Southern California Association of Governments (SCAG). It is also recommended that the Regional Board include the "cumulative" impact of costs on storm water permittees associated with other TMDLs (viz., metals and bacteria). The sum of expected TMDL costs could then be used to determine the impact of these regulations on the region including but not limited to the economy, air quality, housing, transportation, and flood control.	The request for " <i>specific evidence</i> " to support environmental impacts of a project was geared towards those entities that had already implemented measures towards compliance with the previous trash TMDL and therefore had specific instances of impacts to the environment. This was borne out of a desire to provide as comprehensive an evaluation as possible and is being wrongly construed as an additional requirement. Costs of compliance, while important to consider in TMDL implementation and in the length of implementation periods, are not subject to CEQA analysis.

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4.7	City of Azusa	7/10/06	Cost Impact of Compliance on Municipalities	Costs of compliance, while important to consider in TMDL implementation and in the length of implementation periods, are not subject to CEQA analysis.
5.7	City of South Pasadena	7/10/06	The scope of cost impacts on <u>municipal permittees</u> must include the following:	
6.7	City of Inglewood	7/17/06	<p><i>Aesthetics</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to provide: (1) urban renewal as a hedge against blight; and (2) adequate code enforcement of zoning requirements that have an aesthetic impact (e.g., weed abatement); and (3) adequate street sweeping.</p> <p><i>Hazards and Hazardous Materials</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to: (1) provide adequate personnel to promptly remove and dispose of hazardous materials from the right of way; (2) inspect businesses for conformance with hazardous materials business plans, which could result in the increase of hazards at a subject site or the potential for a hazard to occur at a business site; (3) provide adequate fire department responses to hazardous materials releases; and (4) promptly deploy personnel to respond to sewer releases (exposing persons to health hazards), clogged catch basins (which could result in a flood hazard), and debris in the right of way, including trees on sidewalks and streets.</p> <p><i>Public Services and Utilities</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to: (1) provide adequate police and fire protection (personnel and equipment);</p>	

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			<p>(2) maintain streets; (3) maintain traffic signals; (4) create new parks and maintain existing ones (for aesthetics and recreation); (5) maintain play grounds, swimming pools, and bike paths; (6) maintain storm drains and install new ones (to prevent flooding); (7) maintain and replace sewers to prevent sewage releases (a health issue); (8) replace rolling stock (vehicles and equipment), necessary to perform a variety of services including trash collection, tree trimming, park maintenance, catch basin clean outs, sewage spill response, code enforcement inspections, fire and police response; (9) maintain a level of recreation programs for citizens, such as adult, senior, and youth programs (including but not limited to various recreation, education, and health-related activities); (10) maintain adequate library services (maintaining facilities, staffing levels, and purchasing books, magazines, etc.); (11) refuse collection and disposal (including recycling); (12) street sweeping; (13) tree trimming; and (14) emergency preparedness and response (earthquakes and other natural or manmade disasters, including acts of terrorism). [Note: Schools could also be impacted because the trash and other TMDLs impact them as well because they are storm water permittees. The Regional Board should have noticed these stakeholders.]</p> <p><i>Utilities/Services</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to: (1) produce adequate supply and quantity of potable water to its customers; (2) if it provides electricity, the ability to provide a consistent and adequate supply of electric power; (3) if it owns/operates a sewer treatment facility, to provide adequate sewage treatment</p>	

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			<p>capacity, including treating dry weather discharges; and (4) if it owns and operates a landfill to provide adequate capacity to dispose of solid waste.</p> <p><i>Transportation/Traffic</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to: (1) provide adequate public transportation (fixed and non-fixed routes) for the general population and senior citizens which depend on city-sponsored public transportation; and to (2) adequately manage traffic congestion.</p> <p><i>Housing/Population</i> because the magnitude of trash and other TMDL implementation costs, whatever they might be, could significantly reduce a municipality's ability to provide an adequate supply of affordable housing to keep up with population growth. Municipalities do this through re-development programs, which include the purchase of old and/or blighted property or uses that are no longer viable and replace them with housing and mixed-use developments.</p>	
4.8 5.8 6.8	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	The structural and non-structural BMPs that may be required of the Project should also be scoped to discuss the potential adverse impacts. Structural controls include vortex separation systems (VSS), catch basin inserts that block the entry of trash, catch basin debris excluders, and trash nets. Non-structural controls include increased street sweeping, increased catch basin clean-outs, and enhanced anti-litter enforcement. The tables below show the impact of each control that may be associated with the	All reasonably foreseeable impacts have been analyzed in the noticed CEQA checklist.

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			<p>Project.</p> <p>Air quality</p> <ul style="list-style-type: none"> - PM 10 emissions associated with excavation and installation - Increase of vehicle emissions through increased sweeping/catch basin clean-outs <p>Human Health Risk</p> <ul style="list-style-type: none"> - Potential release of pathogens into the atmosphere associated with excavation - Installation in a confined space could expose workers to health <u>risks</u> - Potential injury (accidents) associated with Vactor equipment <p>Hydrology</p> <ul style="list-style-type: none"> - Potential to cause flooding through improper design or installation, incorrect location deployment, or malfunction <p>Hazardous Materials</p> <ul style="list-style-type: none"> - Exposure of maintenance workers to hazardous waste and materials <u>intercepted/collected</u> <p>Noise</p> <ul style="list-style-type: none"> - Increase in noise associated with increased street sweeping/catch basin cleanouts 	
4.9 5.9	City of Azusa City of South Pasadena	7/10/06 7/10/06	<p>Regional Impacts</p> <p>Also absent from the Regional Board's scoping session are the potential "regional" adverse impacts associated with the Project.</p>	Costs of compliance, while important to consider in TMDL implementation and in the length of implementation periods,

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6.9	City of Inglewood	7/17/06	<p>It was mentioned earlier that municipalities face potential adverse impacts on programs and services resulting from enormous expenditures of general funds on trash and other TMDL compliance. Compliance costs are likely to have an adverse impact on the region in terms of air quality, housing, population growth, employment, transportation, and flood control.</p> <p>The City recommends that Regional Board include SCAG as a stakeholder asset and as the region's 208 planning agency in determining how TMDL compliance costs could impact air quality, population, housing, employment, transportation, and the local economy.</p>	are not subject to CEQA analysis.
4.10 5.10 6.10	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	<p>Reasonable Alternatives</p> <p>Providing "reasonable alternative means of compliance that would have less significant adverse environmental impacts" is not possible without knowing what the Project consists of and what impact its costs will have. Once this is done, alternatives to the project could then be identified.</p>	<p>The project is well defined in the Notice for the CEQA scoping meeting of June 28, 2006 and thoroughly discussed in the Staff Report. The project is significantly similar to the 2001 Trash TMDL; several municipalities have developed alternative means of compliance. For example, the The Cities of Burbank, Glendale and La Canada Flintridge developed a brush and aluminum mesh combination that can be installed in catch basins. This BMP, along with proper maintenance, is certified as a full capture system. The Hamilton Bowl Trash Nets developed by Fresh Creek Technologies, Inc. are certified as a full capture system as long as they meet the additional requirements</p>

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				mentioned above, such as end-of-pipe configuration, adequate pipe sizing, regular inspections, and regular maintenance. In addition, both the Linear Radial Gross Solids Removal Device (Configuration 1) and the Inclined Screen Gross Solids Removal Device (Configuration 1) developed by Caltrans are certified as full capture systems.
4.11 5.11 6.11	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	Reasonable mitigation measures Similarly, scoping reasonable mitigation measures would require a clearer definition of the project. Once this is accomplished a determination of reasonable mitigation measures can be made. The Regional Board should be prepared to deal with the possibility that significant impacts cannot be avoided by mitigation measures.	See response to 4.10, 5.10, 6.10. The Regional Board discussed at length the possibility that some impacts may be short term significant impacts in the “Determination” section of the CEQA checklist. In addition, implementation of the TMDL will have substantial benefits to water quality and will enhance beneficial uses. These substantial benefits outweigh any unavoidable adverse environmental effects.
4.12 5.12 6.12	City of Azusa City of South Pasadena City of Inglewood	7/10/06 7/10/06 7/17/06	Notice of the Scoping Session was Insufficient The scoping session failed to attract an adequate number of stakeholders, including most municipalities situated in the Los Angeles River Watershed. This appears to have been the consequence of: (1) inadequate public notice of the scoping session (less than 2 weeks); and (2) the Regional Board's exclusive reliance on e-mail in providing notice. Given the extreme importance of the functional equivalent EIR that the San Diego Court of Appeal directed the Regional Board to prepare, and the risk of further CEQA litigation, the Regional Board	Public notice was in compliance with California Public Resources Code section 21083.9. Email notice was to those parties who had previously expressed a preference for email communications. Paper copy, US Mail notices were sent to those parties who had previously expressed a preference for US Mail communications.

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			should have provided at least 30 days notice. Further, it should have sent out, by regular mail, notice to all storm water permittees affected by the project, including public school districts (which are Phase II storm water permittees) and SCAG, because of its status as a section 208 planning agency.	