



## CITY OF SIGNAL HILL

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2175 Cherry Avenue • Signal Hill, California 90755-3799

September 8, 2009

California Regional Water Quality Control Board  
Attention: Thanhloan Nguyen  
Los Angeles Region  
320 West Fourth Street  
Los Angeles, CA 90013

Subject: City of Signal Hill's Comments on Proposed Colorado Lagoon TMDL

Dear Ms. Nguyen:

The City of Signal Hill offers these comments on the Proposed Colorado Lagoon Total Maximum Daily Loads ("TMDLs"). Signal Hill's principal issue concerns the breadth of the application of the TMDL, and specifically whether the TMDL is intended to apply to Signal Hill and to discharges that may emanate from the City and *potentially* flow over surface areas through Long Beach into the Colorado Lagoon (but not known to flow into any of the Sub-Basin concrete pipes referenced in the Proposed TMDL as Sub-Basins A - E). Because Signal Hill does not appear to drain into any of the Sub-Basins (A - E) referenced in the TMDL, and since none of the waste load allocations ("WLAs") referenced in the TMDL are stated to apply to Signal Hill, along with the fact that no part of the California Environmental Quality Act ("CEQA") analysis for the TMDL includes an analysis of any potentially significant adverse impacts resulting from its implementation within Signal Hill, it is Signal Hill's understanding that the subject TMDL is not intended to apply to the City. With this comment letter, however, the City is seeking confirmation/clarification of this issue from Board Staff.

Signal Hill's confusion is largely created by the use of some general language in the Notice of Hearing, the Draft Staff Report and the Proposed Amendment. For example, the Notice of Hearing provides that "TMDL implementation will be carried out by responsible jurisdictions **including, but not limited to**, the City of Long Beach, Los Angeles County Flood Control District, and Caltrans to control water and sediment loadings." (Notice of Hearing, p. 2.) Similarly, the Proposed Amendment provides that: "Mass-based waste load allocations for MS4 permittees, **including** the City of Long Beach, Los Angeles County Flood Control District, and Caltrans are allocated to the five major storm drain outfalls that currently discharge into the Lagoon." (Proposed

Amendment. p. 5.) The Draft Report contains a near identical reference. (Draft Report, p. 67 [“Concentration-based WLAs for sediment are assigned to MS4 permittees including the Los Angeles County Flood Control District and the City of Long Beach, and Caltrans.”].)

A more thorough review of these documents, however, shows that they do not apply the WLAs or any other aspect of the TMDLs to Signal Hill, and nor is there any attempt to analyze any potential environmental impacts within Signal Hill from the implementation of the TMDL, as would be required by CEQA, including analyzing the economic impacts from requiring Signal Hill to comply with the implementation measures if the TMDL were to apply to it. Thus, as further discussed below, the only dischargers that appear to be required to comply with the Colorado Lagoon TMDLs are the City of Long Beach, the County Flood Control District and Caltrans. Moreover, because the Proposed Amendment is a regulation, if the proposed TMDL were intended to be applied to Signal Hill, it is my understanding that by law, the Proposed Amendment is required to clearly provide for such an intended application (see Gov. Code §§ 11349 and 11349.1) and thus would first need to be revised and re-circulated for further review and comment before it could be applied to Signal Hill.

The Draft Staff Report describes the Colorado Lagoon Watershed as being 1,172 acres divided into five sub-regions that discharge stormwater, including urban dry weather runoff to the Lagoon. Each Sub-Basin discharge to the Lagoon is conveyed through large reinforced concrete pipes, *i.e.*, a 63-inch reinforced concrete pipe owned and operated by the Los Angeles County Flood Control District (Project 452 Drain) for Sub-Basin A; a 54-inch reinforced concrete pipe (Line 1 Storm Drain) discharging into the north part of the north arm for Sub-Basin B; a 48-inch reinforced concrete pipe (Line K Storm Drain) discharging into the mid-point of the north arm, for Sub-Basin C; a 24-inch reinforced concrete pipe (Line M Storm Drain) discharging into the south part of the west arm, for Sub-Basin D; and a 48-inch reinforced concrete pipe (Termino Avenue Drain) discharging into the west arm, for Sub-Basin E. The Draft Report then provides that “[s]everal other smaller drains serve the areas immediately adjacent to the lagoon,” describing these smaller stormdrains as contributing “small amounts of contaminants and cause minor impacts to sediment quality” of the Lagoon. (Draft Report, p. 11.) No other description of stormwater/urban runoff impacting the Lagoon is discussed, including any potential runoff from Signal Hill. The Proposed Amendment to the Basin Plan, referenced as “Attachment A” to the Tentative Resolution (“Proposed Amendment”), describes the Colorado Lagoon and the discharge points in identical fashion, and similarly does so, without any attempted inclusion of possible runoff potentially being conveyed to the Lagoon from the Municipal Separate Storm Sewer System (“MS4”) controlled by the City of Signal Hill. (Proposed Amendment, p. 4.)

Importantly, in the various TMDL documents assign neither a mass-based waste load allocation nor a concentration-based waste load allocation to Signal Hill. With respect to the mass-based WLAs, both the Draft Staff Report and the Proposed Amendment provide that the WLAs are assigned to the City of Long Beach, with limited responsibility also being assigned to Caltrans and the County Flood Control District. (Proposed Amendment, p. 5, Draft Staff Report, p. 67.) Moreover, no TMDL document makes any reference to the assignment of any responsibility for complying with the WLAs to Signal Hill. For example, the Proposed Amendment provides as follows:

**Because Colorado Lagoon is located completely within the jurisdictional boundaries of the City of Long Beach and land areas serviced by storm drains that currently discharge to the lagoon are under the jurisdiction of the City of Long Beach, the WLAs are assigned to the City of Long Beach. Caltrans shall be jointly responsible for achieving the WLAs assigned to the Line 1 Storm Drain as it conveys stormwater from both Caltrans' facilities and the City of Long Beach. The Los Angeles County Flood Control District ("District") owns and operates the Project 452 Storm Drain; therefore, the District shall be jointly responsible for achieving the WLAs assigned to the Project 452 Storm Drain. (Proposed Amendment, p. 5; also see Staff Report, p. 67.)**

Similarly, the Draft Report provides that: "The mass-based WLAs are assigned to NPDES permits for (1) the County of Los Angeles, Order No. 01-182, NPDES No. CAS 004001, (2) the City of Long Beach, Regional Board Order No. 99-060, NPDES No. CAS 004003, and (3) NPDES permit for Stormwater discharges from the Caltrans properties, facilities and activities, Order No. 99-06-DWQ." (Draft Report, p. 68.)

Nor does the language in the TMDL documentation addressing the application of the concentration-based WLAs mention Signal Hill. Instead, the TMDL documentation contains both general language and specific references to the particular responsible parties, but without any mention of Signal Hill. For example, the Proposed Amendment provides that the concentration-based WLAs "for sediment are assigned to MS4 permittees **including the City of Long Beach, Los Angeles County Flood Control District, and Caltrans.**" (Proposed Amendment, p. 5; also see Staff Report, p. 67.) No concentration based WLA is referenced as being applicable to Signal Hill.

Similar language involving the Implementation Plan for the TMDL is included with the Proposed Amendment and Draft Report, but with both documents making it clear that the Implementation Plan is the joint responsibility of the City of Long Beach, the County

Flood Control District and Caltrans. Such documents, for example, provide that: "The WLAs will apply to all NPDES dischargers in the Colorado Lagoon watershed. The regulatory mechanisms used to implement the TMDL include the Los Angeles County MS4 Permit, the City of Long Beach MS4 Permit, the Caltrans Stormwater Permit. . . ." (Proposed Amendment, p. 9; Draft Report, p. 70), and that: "The City of Long Beach, Los Angeles County Flood Control District, and California Department of Transportation (Caltrans) are jointly responsible for meeting the waste load allocations." (Proposed Amendment, p. 9; *also see* Draft Report, p. 69 ["The Los Angeles County Flood Control District, City of Long Beach, and Caltrans are jointly responsible for meeting the waste load allocations."].)

In addition, both Table 7-30.2 of the Proposed Amendment and Table 10.1 of the Draft Report, identify an implementation schedule which describes six implementation actions to be undertaken to implement the TMDL, and specifically identifying the particular responsible parties assigned to each implementation action, along with the proposed dates for implementation. Yet, the only responsible parties identified in Tables 7-30.2 and 10.1 are "the City of Long Beach, Los Angeles County Flood Control District, and Caltrans." (Proposed Amendment, p. 13; Draft Staff Report, p. 97.)

Accordingly, although the TMDL documentation contains certain general language regarding the application of the TMDLs to municipal permittees, *i.e.*, the implementation of the TMDL is to "include" Long Beach, the Flood Control District and Caltrans, the more specific language in these documents makes clear that the only parties responsible for complying with the TMDL are the City of Long Beach, the County Flood Control District and Caltrans. (*Also see* Draft Report, p. 66 ["Sediment mass-based waste load allocations were developed for stormwater permittees (**Los Angeles County and City of Long Beach MS4, and Caltrans**) by subtracting the mass-based load allocation from the total loading capacity according to the following equation: . . ."]; p. 68 ["The mass-based WLAs are assigned to NPDES permits for (1) **the County of Los Angeles**, Order No. 01-182, NPDES No. CAS 004001, (2) **the City of Long Beach**, Regional Board Order No. 99-060, NPDES No. CAS 004003, and (3) NPDES permit for Stormwater discharges from the **Caltrans** properties, facilities and activities, Order No. 99-06-DWQ. The mass-based and concentration-based WLAs will be assigned to MS4 and Caltrans' stormwater permits **as specified in Table 6-2 and 6-3.**"]; and p. 96 ["**The Los Angeles County, the City of Long Beach, and Caltrans** are encouraged to work together to meet the waste load allocations."].)

In addition, the Tentative Resolution contains CEQA findings, including a discussion of the requirements of Public Resources Code section 21159 and the California Code of Regulations. Such Resolution specifically references certain Environmental Impact Reports ("EIRs") prepared by the County of Los Angeles and the City of Long Beach, along with the "extensive environmental review" conducted therein, as support for the

proposed CEQA findings in the Tentative Resolution. (Tentative Resolution, p. 7, ¶ 21.) Yet, there is no discussion of any potentially significant adverse impacts, or any other impacts, from the implementation of the TMDL within the City of Signal Hill. In fact, no CEQA analysis exists in any of the referenced Substitute Environmental Documents (the Draft Report, the Proposed Amendment or the Tentative Resolution) concerning Signal Hill, and nor are there any findings in the Tentative Resolution even referencing an analysis of the potential impacts within the City of Signal Hill.

Finally, the economic considerations analysis set forth in the Draft Report (Draft Report, p. 97-98) contains no discussion of any potential economic impacts resulting from any implementation measures to be conducted within Signal Hill, and nor are there any proposed findings in the Tentative Resolution suggesting that any economic considerations were considered with respect to the potential application of the TMDL to Signal Hill.

In sum, although there are general sporadic references in the Proposed Amendment and Draft Report implying that potentially other municipal permittees, beyond the City of Long Beach and the County Flood Control District, may be expected to comply with some aspect of the TMDLs, a close review of the specific requirements within the various TMDL documents shows that the only MS4 permittees that are being required to comply with the TMDLs are the City of Long Beach and the County Flood Control District. This conclusion is supported by the lack of any discussion of potential environmental or economic impacts within any other municipal jurisdiction such as Signal Hill. Signal Hill, therefore, respectfully requests confirmation that the Proposed TMDL for the Colorado Lagoon is not intended to be applied to the City of Signal Hill, and that there are no proposed waste load allocations or any other requirements in the TMDL that would apply to Signal Hill.

To the extent that Signal Hill is in some fashion intended to be covered by the TMDL, the City would alternatively request that the TMDL be revised accordingly to clearly describe how the TMDL is intended to regulate discharges from within Signal Hill, that the Substitute Environmental Documentation, including the CEQA checklist and the Draft Report, be revised to address any potential impacts on the environment from such an application to Signal Hill, and that an economic analysis under CEQA, as well as the other analyses required under Water Code Sections 13241 and 13000, be completed.

The revised TMDL documentation, including all of the proposed Substitute Environmental Documents, would then need to be re-circulated and the TMDL re-noticed, in order to provide Signal Hill and the public with a full and fair opportunity to review and comment upon the TMDL's application to Signal Hill. Barring such a revised and re-circulated TMDL, given the particular language of the TMDL showing that compliance is to be the joint responsibility of the City of Long Beach, the County Flood

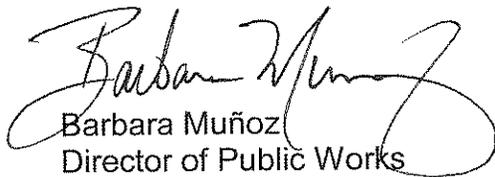
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Control District, and Caltrans, but not of Signal Hill, Signal Hill will presume that the TMDL is not intended to be applied to it.

In sum, the City of Signal Hill would appreciate whatever clarification and confirmation the Regional Board may provide with respect to the intended application of the TMDL for any discharges originating within Signal Hill. (See, e.g. Gov. Code §§ 11349(c) and 11349.1 [requiring regulations to be “written or displayed so that the meaning of regulations will be easily understood by those persons directly affected by them.”].)

We thank you for the opportunity to submit these comments and look forward to the Board’s consideration of these issues.

Respectfully submitted,



Barbara Muñoz  
Director of Public Works

City of Signal Hill  
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Signal Hill, CA 90755

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**Facsimile Transmittal**

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**From:** Barbara Muñoz      **Date:** September 8, 2009  
Director of Public Works

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**Re:** Colorado Lagoon TMDL      **Pages:** 7  
Comments

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Includes cover sheet

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Ms. Nguyen,

Attached, please find comments from the City of Signal Hill regarding the proposed Colorado Lagoon TMDL.

I can be reached by telephone at 562-989-7356 or email [bmunoz@cityofsignalhill.org](mailto:bmunoz@cityofsignalhill.org) if you have any questions or comments.

BM

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