



February 22, 2011

Ms. Thanhloan Nguyen
Los Angeles Regional Water Quality Control
Board, TMDL Unit
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

*SENT VIA FACSIMILE (213) 576-
6686 & ELECTRONIC MAIL
(tnguyen@waterboards.ca.gov)*

Subject: Comments on Proposed Toxic Pollutants Total Maximum Daily Load for Dominguez Channel & Greater Los Angeles/Long Beach Harbor Waters

Dear Ms. Nguyen:

We are submitting comments, on behalf of the City of San Gabriel, regarding the proposed adoption of the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load (“TMDL”), presently scheduled for consideration by the Los Angeles Regional Water Quality Control Board at a public hearing on April 7, 2011. We request that you give due consideration to these comments and that they be included as a part of the Administrative Record for this item.

The proposed TMDL, as written, seemingly would apply to every city within Los Angeles County. We are not aware of any formal public workshops that have been conducted on the purpose and scope of the TMDL, and our review of the TMDL documentation has raised a series of questions regarding its goals and the potential obligations to be imposed on the various municipalities under the TMDL. For this reason, we ask that the TMDL not be adopted until the affected local governmental agencies are allowed sufficient opportunity to fully consider the TMDL and their impacts. We support the comments that have been submitted on behalf of the City of Signal Hill, and further provide the following comments for the Regional Board’s consideration:

1. The primary purpose of the TMDL appears to be the cleanup of the contaminated sediment located in the Los Angeles and Long Beach Harbors. The City, along with numerous other cities in Los Angeles County, entered into a federal Consent Decree with the United States and the State of California requiring the payment of \$45.7 million in funds and in-kind services from the settling local governmental agencies to be used, in part, to address the contaminated sediment within the Long Beach and Los Angeles Harbor areas. The TMDL appears to require these cities to pay once again to address these contaminated sediments.
2. The MS4 permit limits responsibility to controlling stormwater within a jurisdiction, specifically at the end of pipe. It does not require eliminating a pollution source located downstream of it; nor does it require eliminating a source of stormwater pollution or the pollutant itself. Per WQA Section 402(p)(3)(B)(iii): “...[MS4 permits] shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and

such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” In view of this, dredging is not an action that can be imposed on municipal permittees through the permit.

3. There are a number of ambiguities in the TMDL, including what water bodies are to be dredged, what agencies are directly responsible for this work, and other requirements that will be imposed on the Los Angeles and San Gabriel River cities.
4. The tentative Basin Plan Amendment for the TMDL lists the Los Angeles River and San Gabriel River metals TMDL cities as being the third category of responsible parties for achieving compliance with the proposed TMDL. There is no indication that these alleged responsible parties are contributing any significant pollutant loadings to the non-metal impairments, and given that metal TMDL are already in place for both the Los Angeles and the San Gabriel Rivers.
5. It appears the TMDL is being adopted without consideration of the requirements under Sections 13000 and 13241 of the California Porter-Cologne Act, specifically without consideration to whether the TMDL is “reasonably” and “economically” achievable in light of the environmental characteristics of the waters in issue. For example, the Los Angeles and Long Beach Harbors contain pollutants within sediments that must first be remediated before the waters can be considered in compliance with water quality standards. Compliance with the Porter-Cologne Act requirements would very likely result in an entirely different set of TMDL for these waters.
6. Finally, we believe further evaluation is needed of the potentially significant environmental impacts caused dredging of the Los Angeles and Long Beach Harbors. The analysis should also consider any feasible alternatives to the project, as required by the California Environment Quality Act.

We ask the Regional Board to please consider the above comments and those submitted on behalf of the City of Signal Hill in its evaluation of the TMDL. We look forward to working with you on revisions to the TMDL as necessary to address these and other comments that have been submitted. Thank you for your consideration.

Sincerely,

CITY OF SAN GABRIEL
Steven A. Preston, FAICP, City Manager



By Daren Grilley, City Engineer

cc: Mayor and City Council; Jennifer Davis, Community Development Director; Bob Bustos, Public Works Director; Ken Farfsing, City of Signal Hill; Ray Tahir, TECS Environmental
