City of
SANTA CLARITA

23920 Valencia Boulevard • Suite 300 • Santa Clarita, California 91355-2196
Phone: (661) 259-2489 • FAX: (661) 259-8125
www.santa-clarita.com

June 7, 2010

Mr. Yanjie Chu
California Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Chu:

Subject: Draft Santa Clara River Fecal Indicator Bacteria Total Maximum Daily Load Comments from City of Santa Clarita

Thank you for the opportunity to comment on the Draft Santa Clara River Fecal Indicator Bacteria (FIB) Total Maximum Daily Load (TMDL) documents. The City of Santa Clarita (City) staff appreciates the efforts of the Los Angeles Regional Water Quality Control Board (Regional Board) staff to hold meetings locally. The Santa Clara River flows through the heart of the City, and the City takes great pride in protecting it. This is a difficult TMDL to complete in the short period of time allotted for this effort. The City looks forward to working with the Regional Board to try to resolve the issues discussed below.

The City's concerns and comments include general statements in the document that are inaccurate, the data to make the proposed linkage analysis is inadequate, a request for a use attainability analysis for dangerous high flows, assignment of joint liability, and a request for reopening the FIB TMDL during critical points, if approved. Overall, the City's request is that the Regional Board Interim Executive Officer contact the Environmental Protection Agency and ask for them to renegotiate a longer timeline for the Santa Clara River FIB TMDL to allow for more accurate analysis of the sources and causes of FIB impairment.

Inadequacy of Data for Linkage

There is a demonstrated correlation between sediment loads and fecal indicator bacteria (FIB). On page 56 of the Southern California Coastal Waters Research Project (SCCWRP) Technical Report 510, it states there is a significant correlation between total suspended solids and fecal indicator bacteria. "A simple Spearman's correlation matrix (Table 5-1) of [Total Suspended Solids] (TSS), stream flow and FIB indicates that *E. coli* was significantly positively correlated (p <0.0001) with TSS from agricultural, recreational and open LU [land use] sites." However, **no discussion of the correlation between TSS and FIB is in the draft FIB TMDL, even though the Technical Report 510 is referenced.**

Enclosed is a California Coastal Commission funded study by Stillwater Sciences, finalized in 2007, on sediment and geomorphology of the Santa Clara River. This study demonstrates that the

natural sediment load is extraordinarily high in the Santa Clara River. Changes in geomorphic process started occurring prior to California becoming a state (c. 1820). There have been increases in sediment load due to grazing and gravel mining and reductions in sediment loading as a result of the two dams in the watershed. The study states "Sediment supply rates to the lower Santa Clara River are high as a consequence of geological and climatic factors, but are also conditioned by significant episodic events such as landslides, earthquakes and fires." There is a significant impact to FIB growth that is central to the discussion and unique to the Santa Clara River that has not been analyzed in any way. This is critical information that is needed to adequately address whether or not beneficial uses are impaired, as much of the FIB loads could be background conditions.

There is no discussion in the TMDL with regard to fire or impacts of areas in the watershed that have been subjected to fires. Throughout history, there have been significant fire natural disasters in the Santa Clara River watershed on a regular basis. Several scientific studies on FIB have eliminated drainage areas that have burned within three years due to impacts on results, mostly higher levels of FIB. For example, SCCRWP Technical Report 542 eliminated areas that had burned in the three previous years and stated that the inclusion of burned areas would add a confounding factor and were therefore eliminated. As previously stated in this document, there is a correlation between TSS and FIB. City staff discussed the exclusion of burn areas at the Regional Board held public meetings. However, the TMDL does not address this issue. The draft FIB TMDL is silent on the correlation between fires, TSS, and FIB in the analysis. This is critical to the discussion of FIB sources to properly assign exceedance days, load allocations, and waste load allocations.

The upper Santa Clara River watershed has a significant number of horse related land uses. SCCWRP Technical Report 510 states, "Recreational (horse) [land use] LU had the greatest mean TSS [event mean concentrations] EMC compared to all other LU sites." The report also found that horse properties discharge more bacteria than primary sewage treatment plants based on the technical reports referenced. It is stated in the draft FIB TMDL that "In the Santa Clara River watershed, there are about 2.2 acres of horse ranches in Los Angeles County and 0.3 acre in Ventura County. About 0.1 acre dairy/intensive livestock is located in the Santa Clara River Watershed." These noted acreages are extremely inaccurate. Based on the City Geographic Information System mapping, there are approximately 10,255 acres of equestrian property. This is demonstrated on the attached map. Also, from the Los Angeles/Ventura county line to Chiquito Canyon Road, there is approximately three miles of cattle grazing land with direct access to the river. There are a minimum of ten commercial horse stables in the Los Angeles County area of the watershed, which does not include sheep and other grazing animals. Better information is needed for horse/livestock acreages as this affects load allocations. **The horse and livestock acreages are grossly understated and need to be updated with accurate information and reanalyzed.**

It is not probable that wild lands are not contributing to the high bacteria loads when over 90 percent of the watershed is open space and 80 percent of that is wild lands. Of the limited amount reference reach data in the watershed; there are results as high as 52 mpn/100 ml, more than 20 percent of the standard. In addition, the data used did not use specific dates, but quarters. As a result, it is impossible to know if these were wet weather or dry weather conditions. The TMDL process is to be watershed, not regionally, based and should be reassessed based on local conditions and better reference data. While the City appreciates the reference reach approach, once TMDLs are approved, the limited information becomes a statement of fact rather than an assumption of the only data available at the time.

The Regional Board has initiated enforcement actions on cities in the Malibu Creek watershed that demonstrated their immediate receiving waters were not in exceedance of the standard in their reach, but assumed to contribute to a violation miles away despite evidence submitted proving otherwise (see attached letter to the City of Calabasas). Since it is the position of the Regional Board enforcement that all potential loads contribute whether or not they are exceeding the standard or not, it seems imperative to understand precisely what levels in reference conditions occur and deal with cumulative affect, not a regional assumption for all of Southern California. The waste loads for storm drains should not be affected by the loads from reference conditions in determining compliance. However, this is an assumption made in the draft FIB TMDL with the language as currently drafted. The statement that reference conditions do not exceed FIB standards is inaccurate, especially when the sediment loading has been completely ignored and the reference conditions in the Santa Clara River watershed are poorly understood. **The City respectfully requests a rewriting and analyzing of this topic to explain there are limited data sets and that much more information needs to be analyzed before assumptions can be made on the background conditions of the Santa Clara River**.

The Wishtoyo land use study referenced in the staff report is inappropriately small, with only three limited sites in Ventura County to apply to the entire Santa Clara River. There was no discussion of the rural nature of drainage areas located in almost half of the Fillmore site that are on septic tanks and have large, confined animals. Please do not utilize this data to demonstrate the contribution of storm drains in the Santa Clara River. The information is scientifically inappropriate due to the inaccurate land use analysis and limited number and type of samples, as the land use was poorly described and did not include other confounding factors like TSS and rainfall.

The Sanitation District monitoring site RA, located above Bouquet Canyon Road has limited numbers of samples (30) when compared to RB (243) available because of lack of flow. The City interprets this as little to no dry weather flow in the upstream reaches, even if the Sanitation District discharge does provide some dilution in wet weather. The samples demonstrate that other flows, such as urban runoff and storm drains, simply do not flow downstream to affect any beneficial use during a dry condition. This would also indicate that there is not enough water to have contact with. During wet weather conditions are the only times RA has sufficient flow for

sampling. Those sample results exceed the standard very few times. Assuming all urban areas equally discharge FIB at all times throughout Southern California or Los Angeles County is inappropriate for a TMDL. **A TMDL is supposed to be based on actual watershed information, not based on regional assumptions.**

The FIB TMDL staff report should also include specific numbers for all data referenced, not only pass or fail, for the benefit of their Board and the public trying to understand this issue. Please provide scientific data to support the following:

- The contribution of water supplies to FIB as it is being transported through the Santa Clara River and its tributaries
- Fertilizers from lawns result in higher bacteria loads
- The assumption that most fecal coliform is e. coli
- Why the economic analysis uses cisterns at public facilities when that Best Management Practice (BMP) does not treat FIB and public facilities were not analyzed as a land use that contributes to FIB
- How the Regional Board intends to address septic tanks when the enforcement staff cannot provide data about them and it appears that implementation of regulating septic tanks by the Regional Board has not occurred to date.

The FIB TMDL fails to adequately address major data analysis and linkage analysis issues. They all directly affect waste load allocations and number of exceedance days. The analysis has only collected data quickly to comply with an artificially urgent legal, not scientific, timeline. The City questions the quality assurance and study design of some of the data used. A TMDL is supposed to be a watershed analysis, not an administrative expedient document. Much greater effort for data analysis must be allowed before approving any waste load allocation to determine where any impairment might be coming from. **There are linkage assumptions in the analysis that are simply incorrect which will lead to compliance mechanisms and enforcement actions that result in projects that ultimately will not solve any of the problems outlined in the FIB TMDL.**

Use Attainability Analysis for High Flow Exemption for Recreation Beneficial Use

The City requests a high flow exemption for the Santa Clara River through the Use Attainability Analysis process where the contact and non-contact recreation standards are temporarily lifted during high flow conditions as river recreation is a life safety risk. The Regional Board approved a high flow exemption policy in 2003. Natural areas have dangerous flows as well but were excluded from the policy. The enclosed article from the Ventura County Star clearly demonstrates the unsafe conditions in the watershed during high flow events. The Los Angeles County Fire Department Swiftwater Staffing Guide (enclosed) also shows the Santa Clara River

becomes dangerous at Level II when 1.5 inches of rain in 24 hours falls on unsaturated ground, or when one inch of rain falls in 24 hours on saturated ground.

The Regional Board policy from 2003 states the law allows removal of a beneficial use when "Natural, ephemeral, intermittent or low flow conditions, or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met". This is the case with the Santa Clara River. Dangerous flow conditions have occurred on the Santa Clara River throughout history, even before California became a state. **Please allow a high flow exemption consistent with the Los Angeles County Fire Department response guidelines as completed previously in 2003 for other areas in the region.**

In addition, it is important to note that the City is required to prohibit contact with the Santa Clara River by California Department of Fish and Game (CDFG) through Streambed Alteration Agreements due to potential and actual harm to endangered species, such as fairy shrimp and threespined unarmored stickleback, especially during the dry season. Pursuant to the CDFG, if the City allows contact with the water, it is in violation of California Fish and Game law. Attached are Streambed Alteration Agreements issued to the City for the annual River Rally river clean-up event and a river restoration project that demonstrate this fact. **Therefore, contact recreation in the Santa Clara River at all times is not an accurately designated beneficial use and should be modified to reflect current law and conditions. Contact recreation is not the most sensitive beneficial use at all times in the Santa Clara River.**

Fires

As stated previously, there is no discussion in the TMDL with regard to fire or the impacts of areas of the watershed that have been subjected to fires. City staff brought up the discussion at all the Regional Board public meetings held and handed studies to Regional Board staff on December 9, 2009, both meetings on February 25, 2010, and both meetings on March 2, 2010. Consistently over the last several years, there have been significant fire natural disasters in the Santa Clara River Watershed at least annually. As stated previously, SCCWRP Technical Report 542 eliminated areas that had burned in the three previous years and stated that the inclusion of burned areas would add a confounding factor and were therefore eliminated. As previously stated in this document, there is a strong correlation between TSS and FIB. The TMDL is silent on this issue and it has major implications on background water quality in the Santa Clara River watershed. **The City requests a contact recreation exemption for drainage areas that have been subject to wildfires in the previous three years.**

Reopeners

As previously noted in this document, there is a lack of adequate data, or with regards to the impact of fires, and no data to support many of the conclusions ascertained in this TMDL. If it is

adopted despite the City's concerns, there is no opportunity indicated for reopeners for the submittal of additional data for more adequate information to address reference conditions, burn areas and impacts of fire, or for high flow exemptions. **Please include periods of reopeners for the submission of additional data for fires, high flow exemptions, background study, land use study, and high natural TSS/FIB correlation.**

General

The TMDL states that the Santa Clara River Estuary is closed by a berm which forms at the mouth in low flow conditions. It also states that the berm is breached by storm water flows and/or wave over-washing. There is a hydrologic dry gap in Reach 4 between the upper and lower Santa Clara River. This prevents any surface flow directly connecting downstream of Reach 4 during dry weather and most of the time during wet weather. The Freeman Diversion in Saticoy diverts most of the surface flow from the Santa Clara River and natural groundwater recharge occurs in the Oxnard Forebay Basin downstream of the Freeman Diversion in the Santa Clara River. The downstream flow generally decreases between the diversion and the Highway 101 Bridge as river water percolates into the river bed. Santa Clarita's storm drain discharge, nor any storm drain discharge, does not contribute to the berm breaches during low and medium flow conditions. Only during natural rainfall events would the berm breach. Please revise the draft FIB TMDL to more accurately describe the hydrology of the Santa Clara River.

In referencing the current effective Municipal Separate Storm Sewer System (MS4) permit within Los Angeles and Ventura Counties, the TMDL states the Los Angeles County MS4 permit was amended in December 2009, and is on a five-year renewal cycle. The permit was amended in 2009, and not adopted. The current Los Angeles MS4 permit was adopted in December 2001, and is on a five-year renewal cycle which ended in December of 2006. The current permit is four years overdue. The Ventura County permit was also overdue at the time of its adoption in May 2009. Please describe the current MS4 NPDES Permit situation in this region more accurately in the draft FIB TMDL to provide a factual description of the current MS4 permitting process in this region.

For almost all of the data points given for the reaches and the Santa Clara River Estuary, exceedances of water quality standards were stated, citing both wet weather and dry weather conditions. However, it does not state which exceedances occurred in wet weather versus dry. Clarification is requested for all data points requesting the distinction between which data points are wet weather and which data points are dry weather exceedances. **The City also requests specific dates be available and that the analysis correlate rain events to water quality.**

Based on comparison to the Ballona Creek Bacteria TMDL, this TMDL estimates it would take approximately 11,000 cisterns installed on schools and public facilities in the Santa Clara River Watershed to manage the flow from these facilities. Cisterns do not treat FIB, and may actually contribute to FIB growth. Please note that cities and counties have no jurisdiction over school

districts and cannot mandate any type of best management practice to control any discharge from their property. School districts are regulated by the state. Please clarify in the draft FIB TMDL documents what mechanisms the state would have to require school districts to implement best management practices to control FIB if they are a contributing land use.

The amount of golf courses contained within the Santa Clara River watershed is inaccurate. The TMDL states there are nine golf courses in the Santa Clarita Valley. There are only four. Two are stated for Santa Paula and there is only one. Six are stated in Oxnard and there is only one. Please include an accurate count of golf courses in the Santa Clara River watershed.

Watershed Based Compliance Liability

The TMDL states "The cities of Santa Clarita, Fillmore, Santa Paula, and Ventura, the Counties of Los Angeles and Ventura, and the Los Angeles County Flood Control District and Ventura County Watershed Protection District are jointly responsible for meeting the WLAs assigned to MS4 discharges. The cities and the counties may jointly decide how to achieve the necessary reductions in exceedance days at each compliance point by employing one or more of the implementation strategies discussed below or any other viable strategy." Many of the cited jurisdictions are downstream of Santa Clarita, and the City has absolutely no control what other cities or the counties of Los Angeles and Ventura discharge into the Santa Clara River. The City fully expects to coordinate and work with other cities, as is standard for all watershed and water quality related efforts. However, the City cannot be responsible for the discharger actions outside City limits and requests separate TMDLs for each reach or other modification to ensure that the City only has requirements for discharges over which they have jurisdiction.

Poor Linkage

The TMDL states the average bacteria loads from the Saugus and Valencia Water Reclamation Plants (WRP) and then compares these numbers to mass emissions data collected at mass emissions site S-29 based on storm events. The conclusion was drawn that "Data from storm drains and channels draining urban areas show elevated levels of bacteria, indicating that urban areas are a source. A calculation of bacteria loadings in the Santa Clara River shows that average annual loadings from WRPs are significantly less than wet-weather loadings and that most of the annual bacteria loading to the Santa Clara River is associated with wet weather. Based on this information, staff concludes that runoff from urban areas served by the storm drain system is most likely the largest source of bacteria." **As discussed in this comment letter, there is insufficient end of pipe monitoring data in Ventura County and no end of pipe monitoring is Los Angeles County to make the conclusion that the source of most FIB in the Santa Clara River is the storm drain system.** The fact that the mass emissions station is located downstream of the Valencia and Saugus WRPs demonstrates there is inadequate data to substantiate the linkage between the increased levels during a storm event and the bacteria levels in the output of the storm drain systems as a contributing source. An additional statement

concluded that "Limited data from natural landscapes in the watershed indicate that open space loading is not likely a source of bacteria." As noted in this document, 90.5 percent of the Santa Clara River watershed is open space and over 80 percent of the lands are wildlands. The draft FIB TMDL makes no attempt to discuss the TSS/FIB correlation. **There is insufficient data from the Santa Clara River watershed to conclude that wildlands, TSS and other land uses, are not a significant contributor of FIB in the Santa Clara River.**

Delay for More Study and Environmental Protection Agency (EPA) Renegotiation

While the City appreciates the efforts made by Regional Board staff, it is clear from reading the draft FIB TMDL that there is not enough evidence to link sources with receiving water data. It is not possible to adequately deal with FIB until such linkages are better understood. It has been demonstrated time and time again that once these documents are approved, they are nearly impossible to alter, even when the best science is presented. The waste load allocations and analysis are based on readily available information and regional assumptions, not accurate information about the Santa Clara River watershed. It has been clear from Regional Board staff presentations that the settlement agreement between the EPA and the environmental community is driving the unrealistic timeline, and not science. Without the science to adequately link the sources of the bacteria to any particular discharge type in the Santa Clara River, the draft FIB TMDL does not adequately address the FIB water quality issue and the City respectfully request it be revised before it is moved forward.

In summary, the City has the following concerns about the draft FIB TMDL related documents.

- There is no discussion of the correlation between TSS and FIB in the draft FIB TMDL, even though Technical Report 510 references and discusses the strong correlation.

- The horse and livestock acreages are grossly understated and need to be updated with accurate information and reanalyzed.

- The City requests rewriting and analyzing of background contributions to explain there are limited data sets and that much more information needs to be analyzed before assumptions can be made on the background conditions of the Santa Clara River.

- A TMDL is supposed to be based on actual watershed information, not based on regional assumptions; the documents should be revised to reflect the data is limited, not strong statements about complete understanding of the source of FIB in the Santa Clara River.

- There are linkage assumptions in the analysis that are simply incorrect which will lead to compliance mechanisms and enforcement actions that ultimately will not solve any of the problems outlined in the draft FIB TMDL.

- Allow a high flow exemption, consistent with the Los Angeles County Fire Department response guidelines as completed previously in 2003, for other areas in the region.

- Contact recreation in the Santa Clara River, at all times, is not an accurately designated beneficial use and should be modified to reflect current law and conditions.

- Contact recreation is not the most sensitive beneficial use at all times in the Santa Clara River, as endangered species are more sensitive and have a higher level of need to prevent contact recreation.

- The City requests a contact recreation exemption for drainage areas that have been subject to wildfires in the previous three years.

- Please include periods of reopeners for the submission of additional data for fires, high flow exemptions, background study, land use study, and high natural TSS/FIB correlation.

- The City also requests specific dates be available for each data point and that the analysis correlate historical rain events to the related water quality data points.

- There is insufficient end of pipe monitoring data in Ventura County and no end of pipe monitoring is Los Angeles County to make the conclusion that the source of most FIB in the Santa Clara River is from storm drains.

- Regional Board staff has repeatedly stated there is a lack of data in the Santa Clara River watershed - the City's understanding is that the only thing driving the urgency of this matter is the EPA settlement agreement.

Therefore, the City respectfully requests that you ask the EPA to renegotiate the timeline in the settlement agreement with the environmental community. Recently, the EPA has requested changes in that settlement agreement successfully. The City asks that we be given the same consideration.

Please do not approve the draft FIB TMDL until there are additional studies to document the source of the problem before significant resources are wasted. Recently, the EPA successfully renegotiated the TMDL schedule with the Natural Resources Defense Council and other environmental groups involved in the settlement agreement driving this timeline. Please ask for additional time, as long as studies and other work is moving forward, to accurately study the sources and causes of FIB in mass emissions monitoring in the Santa Cara River before setting permanent waste load allocations and exceedance days. The City requests that the Regional Board ask the EPA to renegotiate this item with the Natural Resources Defense Council and

other environmental groups involved in the settlement agreement to allow more time to accurately develop Santa Clara River watershed linkage analysis and data collection. The City has a strong desire to protect the Santa Clara River and its beneficial uses. However, we are concerned that the draft FIB TMDL, as written, does not achieve the desired water quality goals. Please renegotiate time to create a strategy that has a chance of success.

Should you have any questions, please do not hesitate to contact me at (661) 255-4337 or tlange@santa-clarita.com. Thank you for your time and consideration.

Sincerely,

Travis Lange
Environmental Services Manager

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Enclosures

cc: Robert Newman, Director of Public Works
Heather Merenda, Sustainability Planner